

17 August 2022

Committee	Licensing (Special)
Date	Thursday, 25 August 2022
Time of Meeting	2:30 pm
Venue	Tewkesbury Borough Council Offices, Severn Room

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND

Agenda

1. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.

3. DECLARATIONS OF INTEREST

Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.



Item	Page(s)
<p>4. AMENDMENT TO CURRENT VEHICLE REQUIREMENTS FOR HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE VEHICLES</p> <p>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.</p>	1 - 4
<p>5. HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE LICENSING POLICY REVIEW STAGE 2 - CCTV</p> <p>To approve a public consultation on CCTV in taxi and private hire vehicles as detailed at Appendix A to the report.</p>	5 - 13

DATE OF NEXT MEETING
THURSDAY, 6 OCTOBER 2022
COUNCILLORS CONSTITUTING COMMITTEE

Councillors: K Berliner, G F Blackwell, G J Bocking (Chair), C L J Carter, P A Godwin, D W Gray, E J MacTiernan (Vice-Chair), J W Murphy, P W Ockelton, C Reid, R J G Smith, C Softley, R J Stanley, M G Sztymiak and M J Williams

Substitution Arrangements

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

Recording of Meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chair will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee (Special)
Date of Meeting:	25 August 2022
Subject:	Amendment to Current Vehicle Requirements for Hackney Carriage (Taxi) and Private Hire Vehicles
Report of:	Licensing Operations and Development Team Leader
Head of Service/Director:	Head of Community Services
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	None

Executive Summary:

An amendment is proposed to the current Hackney Carriage (Taxi) and Private Hire Licensing Policy in relation to vehicle requirements to specify that all converted vehicles which have not been re-categorised on the V5 (vehicle logbook) provide documentation to demonstrate that the vehicle is safe.

Recommendation:

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.

Financial Implications:

A Basic Individual Vehicle Approval (IVA) costs £256.78. This cost will be paid by the customer directly to the Driver and Vehicle Standards Agency (DVSA).

Legal Implications:

Tewkesbury Borough Council may set its own standards for vehicle licensing. Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states:

'Provided that a district council shall not grant such a licence unless they are satisfied that the vehicle is:

- (i) suitable in type, size and design for use as a private hire vehicle;
- (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- (iii) in a suitable mechanical condition;
- (iv) safe; and
- (v) comfortable;

<p>Consultations must be carried out fairly and the recommended consultation period is 12 weeks.</p> <p>Any comments must be considered by the Licensing Committee prior to referral to Executive Committee for adoption.</p> <p>Licence holders have the right of appeal should any licence be suspended or revoked to the Magistrates Court.</p>
<p>Environmental and Sustainability Implications:</p> <p>None arising directly from this report.</p>
<p>Resource Implications (including impact on equalities):</p> <p>None.</p>
<p>Safeguarding Implications:</p> <p>Tewkesbury Borough Council must be satisfied that the vehicles that the Council licences are fit for use and do not jeopardise the safety of any passengers or drivers.</p>
<p>Impact on the Customer:</p> <p>None.</p>

1.0 INTRODUCTION

- 1.1 Tewkesbury Borough Council is responsible for licensing Taxi and Private Hire vehicles. As part of its Hackney Carriage (Taxi) and Private Hire Licensing Policy, the Council sets out requirements for vehicle licences.
- 1.2 Currently, there is no requirement in the policy with regards to converted vehicles, whereas a majority of Councils set out a requirement that converted vehicles are tested to DVSA (Driver and Vehicle Standards Agency) standards to ensure public safety. This is usually by obtaining a Basic IVA (Individual Vehicle Approval) test at a DVSA approved test station.
- 1.3 Vehicles are usually converted from N1 category (goods vehicles) to passenger vehicles (M1).
- 1.4 Due to the size of these vehicles they are usually used to carry wheelchairs, vulnerable adults and school children.

2.0 BACKGROUND

- 2.1 In Autumn 2021, it was discovered by the Interim Licensing Team Leader that a number of licensed private hire vehicles were N1 category vehicles. This can be seen on the V5 (logbook).
- 2.2 All licence holders were written to in October 2021 informing them of the requirement to obtain updated V5's (logbooks) to demonstrate that the conversions were safe and complied with M1 standards.
- 2.3 There were representations made by the trade which stated that the DVLA is reluctant to update V5's and that this request could not be met.

- 2.4** A further letter was sent requesting that licence holders with N1 vehicles obtained a Basic IVA to demonstrate that the vehicle was safely converted and that public safety was not compromised. Licence holders were given a period of 6 months to comply with this requirement. Again, the trade disagreed with this requirement which resulted in the Licensing team obtaining Counsel advice on the matter.
- 2.5** Counsel advice was clear in 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.

3.0 PROPOSED ACTION

3.1 Throughout June/July 2022, all relevant vehicles were tested to a Basic IVA standard using the test checklist issued by the DVSA. These tests were conducted by a local garage which satisfied the Council of ITS competence. All 53 vehicles were tested; one Operator (Tim's Transport) obtained Basic IVA's for all of its private hire vehicles prior to the original deadline.

3.2 It is proposed to include the following requirement in the Hackney Carriage (Taxi) and Private Hire Licensing Policy:

A vehicle that has been converted since manufacture, for example, many wheelchair accessible vehicles, must provide one of the following M1 approvals following conversion:

- *European Whole Vehicle Type approval (ECWVTA)*
- *UK Low volume approval (UKLVTA)*
- *UK Individual Vehicle Approval (IVA)*
- *Certificate of Initial Fitness (COIF)*
- *UK Voluntary Standard Individual Vehicle Approval*

Vehicles converted from vans which have a type approval other than M1 will not be acceptable unless they are presented with approved M1 certification for the resultant vehicle.

Please note that to achieve Voluntary Standard Individual Vehicle Approval VOSA are likely to require valid certification that all alterations such as seat fitting and tracking are M1 compliant. There is information about voluntary approvals on the Government's website. <https://www.gov.uk/vehicle-approval/voluntary-approval>

Where a wheelchair accessible vehicle has been converted by a bona fide converter, and the vehicle has then been registered with DVLA after conversion, the Council will accept that this vehicle will have passed 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.

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

3.3 This wording follows best practice and replicates the requirement of other Gloucestershire Licensing Authorities.

4.0 CONSULTATION

4.1 A 12-week consultation will be carried out with all licence holders and Gloucestershire County Council.

4.2 Consultation comments will be fed back to the Licensing Committee at a Special meeting in December/January where Members will be asked to make a recommendation to the Executive Committee at its meeting on 1 February 2023.

4.3 Subject to approval of the amendment by the Executive Committee, all licence holders must comply and provide a Basic IVA by 30 April 2023. Failure to do so will result in suspension of their vehicle licence.

5.0 ASSOCIATED RISKS

5.1 Should the vehicles not obtain Basic IVA's, the Council cannot be satisfied that the vehicles comply with DVSA standards. (The garage test carried out in June/July 2022 was not carried out by a DVSA registered test station).

5.2 To continue licensing N1 category vehicles jeopardises public safety.

6.0 MONITORING

6.1 None.

7.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

7.1 The Council's Corporate Plan.

Tewkesbury Borough Council's Hackney Carriage (Taxi) and Private Hire Licensing Policy – March 2022

Background Papers: [Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance \(March 2010\)](#)

Contact Officer: Licensing Operations and Development Team Leader
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Appendices: None

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee (Special)
Date of Meeting:	25 August 2022
Subject:	Hackney Carriage (Taxi) and Private Hire Licensing Policy Review Stage 2 - CCTV
Report of:	Licensing Operations and Development Team Leader
Head of Service/Director:	Head of Community Services
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	One

<p>Executive Summary:</p> <p>That the Licensing Committee considers a consultation on whether CCTV would have a proportionate positive impact on public safety in the borough.</p>
<p>Recommendation:</p> <p>To APPROVE a public consultation on CCTV in taxi and private hire vehicles as detailed at Appendix A to the report.</p>

<p>Financial Implications:</p> <p>None arising directly from this report.</p>
<p>Legal Implications:</p> <p>The Council will need to comply with public law consultation principles and with data protection legislation when undertaking the public consultation on the draft CCTV policy.</p>
<p>Environmental and Sustainability Implications:</p> <p>None arising directly from this report.</p>
<p>Resource Implications (including impact on equalities):</p> <p>None.</p>
<p>Safeguarding Implications:</p> <p>None.</p>
<p>Impact on the Customer:</p> <p>None.</p>

1.0 INTRODUCTION

- 1.1** In October 2021, the Licensing Committee adopted the Gloucestershire Common Standards for taxi and private hire licensing for Tewkesbury Borough. These Common Standards reflect a first stage of work undertaken by the Gloucestershire Licensing Officer Group (GLOG) to consider and comply with the Statutory Standards issued by the Department of Transport in 2020. The Common Standards mainly relate to drivers and safeguarding issues.
- 1.2** Following on from that work last year, a second stage of the Common Standards is now being undertaken. This report considers the recommendation in the Statutory Standards about CCTV in taxi and private hire vehicles.

2.0 CCTV IN TAXI AND PRIVATE HIRE VEHICLES

- 2.1** The Statutory Taxi and Private Hire Vehicle Standards issued in 2020 state that Government expects the recommendations in the Standards to be implemented by local authorities unless there is a compelling local reason not to.
- 2.2** One of the recommendations not yet considered by Tewkesbury Borough Council is that *“All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.”*
- 2.3** The Department for Transport’s view is that CCTV can provide additional deterrence to prevent the potential risk to public safety and has an investigative value if there is an incident. Its view is that *“The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers.”*
- 2.4** However, the Standards also note that the imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. The report recognises that such a policy could impact on the privacy of the passenger and the driver. In addition, mandatory CCTV will have cost implications to the vehicle licence holder and introduce a responsibility to the Council to be the data controller for all data captured.

3.0 PROPOSED ACTION

- 3.1** GLOG has drafted a county consultation document that each authority can use to consult on this matter. The aim of the consultation is to identify if there is local evidence that would support each local authority introducing a mandatory CCTV policy.
- 3.2** The intention is that each of the Gloucestershire Licensing Authorities will use the same consultation document and consult at the same time; however, local outcomes to consultation may be different and each authority will need to make its own decision, based on local evidence, whether to introduce a mandatory approach.
- 3.3** **The** draft County CCTV Consultation Document is set out at Appendix A and it is recommended that the Committee approves undertaking this consultation for Tewkesbury Borough, the result of which will be reported back to the Committee so that a decision can be made whether to proceed with developing a mandatory CCTV policy.

4.0 CONSULTATION

- 4.1** In accordance with the Department of Transport's Statutory Taxi and Private Hire Standards, Tewkesbury Borough Council must undertake a consultation to consider whether local circumstances indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users taking into account potential privacy issues. The outcome of this consultation would then enable the Council to decide whether it would be proportionate to consider introducing mandatory CCTV.
- 4.2** The proposed consultation document drafted by GLOG is set out at Appendix A and, subject to approval by the Licensing Committee, a 12-week consultation will be carried out with all licence holders and stakeholders.

5.0 ASSOCIATED RISKS

- 5.1** None.

6.0 MONITORING

- 6.1** None

7.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

- 7.1** The Council's Corporate Plan.
Tewkesbury Borough Council's Hackney Carriage (Taxi) and Private Hire Licensing Policy – March 2022

Background Papers: [Department for Transport Statutory Taxi and Private Hire Vehicle Standards 2020](#)

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Appendices: Appendix A – CCTV Consultation Document

CONSULTATION

Mandatory CCTV in licensed vehicles



Introduction

The Department for Transport (DfT) published its Statutory Taxi and Private Hire Vehicle Standards in July 2020 with a strong focus to protect all passengers and users of taxis and private hire transport services.

The statutory guidance makes it clear that the Government expects the recommendations contained within it to be implemented unless there is a compelling local reason not to. Furthermore, it is noted that the statutory standards document sets out a framework of policies that, under section 177(4), licensing authorities “must have regard” to when exercising their licensing and safeguarding functions.

The licensing authorities in Gloucestershire are seeking views on the statutory guidance’s requirements with regards to CCTV in licensed vehicles.

This consultation follows previous work by the licensing authorities in Gloucestershire to adopt common licensing standards for taxi and private hire drivers, vehicle proprietors and operators.

Responding to the consultation

The consultation will be open **for 8 weeks from 5 September 2022 to 30 October 2022**.

A link to a consultation survey is provided below. If you prefer, you can download a copy of the consultation questionnaire.

If you are not submitting a response via the survey, your responses can be submitted in writing either by email to licensing@teWKesbury.gov.uk or by post to:

Common Taxi Standards Consultation
Tewkesbury Borough Council Licensing
Council Offices
Gloucester Road
GL20 5TT

Privacy Statement

Please refer to the website for more information on how we may process your personal information.

CCTV in licensed vehicles

The DfT's Statutory Taxi and Private Hire Vehicle Standards states that:

"All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues."

The DfT's view is that CCTV can provide additional deterrence to prevent the potential risk to public safety when passengers travel in taxis and private hire vehicles and has investigative value when it does. Its view is that *"The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers."*

To this end, the licensing authorities in Gloucestershire are conducting an initial consultation to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults. In addition, the consultation is seeking views on whether it would be proportionate for the the installation of CCTV to be made a mandatory condition of a vehicle licence. Any decision to make it mandatory condition will take account of the benefits to public safety as well as any adverse effects including potential privacy concerns and costs to the licensed vehicle holder.

Consultation Questions

Please complete the consultation survey if you want to respond to this consultation.

Next Steps

We will analyse the consultation feedback to decide if there is local evidence to support a mandatory requirement for CCTV in licensed vehicles.

Where we consider there to be such a requirement, we will undertake further consultation and engagement with the licensed trade and key stakeholders to develop a CCTV policy and specifications for CCTV systems.

We will continue to communicate with the licensed trade on the outcome of this consultation and next steps.

Proposed survey questions

General

1. Full name
2. Email address
3. Capacity
 - a. Taxi licence holder
 - b. PH licence holder
 - c. PH operator
 - d. Councillor
 - e. Gloucestershire Constabulary
 - i. Specify which department
 - f. Gloucestershire Police and Crime Commissioner
 - g. Gloucestershire County Council
 - i. Specify which department
 - h. Other
 - i. Please specify

Safety of passengers

4. Do you agree that CCTV in licensed vehicles will benefit the safety of passengers using licensed vehicles?
 - a. Yes/No
 - b. Please explain the reason for your answer
5. Do you agree that additional audio CCTV recording in licensed vehicles will benefit the safety of passengers using licensed vehicles?
 - a. Yes/No
 - b. Please explain the reason for your answer
6. Do you have any local examples of when CCTV (video or audio) was or could have been beneficial to the safety of passengers using licensed vehicles?
 - a. Yes/No
 - b. If yes please give details

Safety of licensed drivers

7. Do you agree that CCTV would benefit the safety of the licensed driver
 - a. Yes/No
 - b. Please explain the reason for your answer
8. Do you agree that additional audio CCTV would benefit the safety of the licensed driver
 - a. Yes/No
 - b. Please explain the reason for your answer
9. Do you have any local examples where CCTV (video or audio) did or could have benefited the safety of the licensed driver
 - a. Yes/No
 - b. If yes please give details

Reducing fear of crime

10. Do you agree that video CCTV recording would reduce the fear of crime
 - a. Yes/No
 - b. Please explain the reason for your answer
11. Do you agree that additional audio CCTV recording would reduce the fear of crime
 - a. Yes/No
 - b. Please explain the reason for your answer
12. Do you have any local examples where CCTV did or could have reduced the fear of crime
 - a. Yes/No
 - b. If yes please give details

Adverse effect on safety of passengers

13. In your opinion are there any adverse effects on the safety of passengers, including children or vulnerable adults, by installing CCTV in licensed vehicles?
 - a. Yes/No
 - b. If Yes, please explain

Privacy

14. In your opinion are there any adverse effects on the privacy of passengers, including children or vulnerable adults, by installing CCTV in licensed vehicles?
 - a. Yes/No
 - b. If Yes, please explain
15. In your opinion are there any adverse effects on the privacy of licensed vehicle drivers by installing CCTV in licensed vehicles?
 - a. Yes/No
 - b. If Yes, please explain
16. In your opinion do the benefits to public safety outweigh any adverse effect on privacy
 - a. Yes/No
 - b. If Yes, please explain

Costs to licence holders

17. In your opinion do the benefits to public safety outweigh the costs that would be incurred by licensed vehicle drivers by installing CCTV in licensed vehicles?
 - a. Yes/No
 - b. If Yes, please explain

Other adverse effects

18. Are there any other adverse effects from installing CCTV in licensed vehicles.
 - a. Yes/No
 - b. If Yes, please explain

Local circumstances to support mandatory CCTV

18. Overall, do you think that there are local circumstances that would make it proportionate to make it a mandatory requirement for all licensed vehicle operators to install CCTV
- c. Yes/No
 - d. Please explain the reason for your answer

Mandatory video only or video and audio

19. If yes to question 18 do you think that mandatory CCTV should be video recording only or video and audio
- e. Video/ video and audio
 - f. Please explain the reason for your answer

Extra Questions for licence holders

1. Do you have a Gloucestershire County Council Contract?
 - a. Yes/No

2. Do you a CCTV system installed in your current licensed vehicle?have
 - a. Yes/No
 - b. If yes,
 - i. please specify if it is video OR video and audio recording?
 - ii. Are you registered with the ICO (Information Commissioners Office) Yes/No
 - iii. Do you display signage in your vehicle making it clear to passengers that CCTV is on operation? Yes/No
 - iv. Have passengers ever made positive comments about CCTV in operation Yes/No If Yes, please explain
 - v. Have any passengers ever objected to CCTV being in operation Yes/No If Yes, please explain
 - vi. Are you satisfied that the data that you capture on your CCTV is kept secure Yes/No please explain

Other comments

Do you have any other comments to make?