

LICENSING COMMITTEE

Tuesday, 6 June 2017

Present: Councillor Backhouse (Chairman)
Councillors Mrs Cobbold, Heasman, Hill, Huggett, Jamil, Lidstone, Noakes, Nuttall, Podbury, Sloan (Vice-Chairman), Williams and Woodward

Officers in Attendance: Robin Harris (Senior Lawyer (Contentious)), Gary Stevenson (Head of Environment and Street Scene) and Cheryl Clark (Democratic Services Officer)

Other Members in Attendance: None

APOLOGIES FOR ABSENCE

LC46/17 Apologies for absence were recorded from Councillor Bulman.

DECLARATIONS OF INTEREST:

LC47/17 There were no declarations of interest.

NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK (IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 18):

LC48/17 There were no visiting members who had registered to speak.

MINUTES OF THE PREVIOUS MEETING DATED 6 APRIL 2017

LC49/17 **RESOLVED:** That the minutes of the previous meeting dated 6 April 2017 provided a correct record.

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2017

LC50/17 Mr Stevenson, Head of Environment and Street Scene introduced the report, which provided background information to the Hackney Carriage and Private Hire Licensing Policy and updated the Committee on the representations and comments received during the consultation period. The draft policy on which the consultation was based was provided at Appendix A and the consultation responses and consequent comments from officers had been supplied within Appendices B to F. Appendix G provided an outline of the additional amendments that had to be implemented in line with the enactment of sections 165 and 167 of The Equality Act 2010.

Councillor Heasman referred to the installation of CCTV in taxis as raised by Kent Police (Appendix C) and also elsewhere within the consultation responses. He noted that CCTV had been made mandatory in Rotherham and was very keen for it to be encouraged within the TWBC policy. Mr Stevenson clarified that, although not a requirement, CCTV had been mentioned within the proposed policy but was concerned over the Data Protection issues that would arise. The Chairman also indicated that some drivers thought TWBC should supply CCTV for free but he confirmed that there was no funding available to do so. Councillor Heasman suggested that if the Council were to make it mandatory, the cost could be recovered by adding it to the licence fee. Councillor Williams felt that if other authorities such as Rotherham had made CCTV mandatory to ensure public safety then

TWBC could do so too. Councillor Nuttall felt it could have a preventative use and a number of Members suggested that the Council could investigate further on the need, costs, and occasions when it could be of assistance. However, Mr Harris, the Legal Officer queried whether making CCTV mandatory would be a proportionate response in TW bearing in mind the type of issues that came up at Sub-Committee hearings. Anecdotally it was noted by some members that CCTV would not have assisted for the most part in previous hearings. Councillor Williams suggested the Council should bring a detailed report back to the Committee on the subject but ultimately this was not pursued. Alternatively, Councillors Woodward, Williams, Heasman and Huggett suggested changes to the wording as set out in paragraphs 27.1 and 27.2. Following discussion, members agreed that the first sentence of paragraph 27.2 should be deleted and the word “strongly” be inserted into the second sentence to read that “The hackney carriage and private hire vehicle trade is strongly encouraged to consider the installation of CCTV cameras in their vehicles on a voluntary basis.....”.

In respect of the second part of the recommendation requiring amendment to the policy consequent upon changes to sections 165 and 167 of the Equality Act 2010, Councillor Sloan asked whether further information might be available for the next scheduled Licensing Committee in September. Mr Harris advised that it was best practise simply to adopt the legislation and Mr Stevenson recommended that this be delegated to officers to complete in accordance with the required time frame. He corrected that the 6 month time frame ran to October 2017 rather than December as indicated in the agenda report.

Councillor Lidstone referred to the consultation response from Toni Conlon (Appendix B) and the ambiguity over the timescale of replacement vehicles. Mr Harris explained the concern that a brand new licensed vehicle if it was written off in an accident could conceivably be replaced by an older vehicle. He considered however, that the policy would allow officers to make a judgement call to do so on the rare occasion when this was considered acceptable.

Councillor Williams raised concerns over the lack of a national database to be able to identify drivers of concern such as those involved in the crime ring based in Rotherham. Mr Harris considered that there was already a good level of informal shared information across Kent and TWBC had particularly robust polices and a strong record of review through the Sub-Committee Hearing process. He confirmed to Councillor Podbury that the definition of Violent Offences set out in paragraph 12 of the policy was acceptable and notwithstanding a potential attitude of zero-tolerance any potential driver was legally entitled to have an application considered on its individual merits.

The Committee having considered the representations and comments received during the public consultation period agreed

RESOLVED:

1. That the Hackney Carriage and Private Hire Licensing Policy 2017 be adopted as proposed subject to amendment of paragraph 27.2 as follows:

27.2 The hackney carriage and private hire vehicle trade is strongly

encouraged to consider the installation of CCTV cameras in their vehicles on a voluntary basis and it will then be incumbent upon the operator to handle relevant data gathered in an appropriate and secure manner. For information and guidance on data protection, see The Information Commissioners' Office (ICO) website <http://www.ico.gov.uk>.

2. That responsibility be delegated to officers to amend the adopted policy to reflect the enacted sections 165 and 167 of the Equality Act 2010 by 6 October 2017 ie within the specified 6 month time frame.

URGENT BUSINESS:

LC51/17 There were no items of urgent business.

DATE OF NEXT MEETING

LC52/17 **RESOLVED:** That the next meeting take place on Tuesday 5 September 2017.

NOTES:

1. Review of a particular licensed event was not a matter for this Committee but was subject to completion of the appropriate application process and for consideration at a suitably convened Licensing Sub-Committee Hearing.
2. Members and Officers joined the Chairman in expressing their sadness and condolences over the untimely death of the Licensing Manager Claire Perry.
3. The meeting concluded at 7.10pm.