



East Cambridgeshire District Council

Minutes of a Meeting of the Licensing Committee

Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 10:00am
on Monday 4 September 2023

Present:

Cllr Christine Ambrose Smith
Cllr Charlotte Cane
Cllr Lavinia Edwards
Cllr Martin Goodearl
Cllr Keith Horgan
Cllr Julia Huffer
Cllr Mark Inskip
Cllr Kelli Pettitt
Cllr Caroline Shepherd (substitute for Cllr Alison Whelan)
Cllr John Trapp
Cllr Gareth Wilson

Officers:

Stewart Broome – Senior Licensing Officer
Maggie Camp – Director Legal Services
Caroline Evans – Senior Democratic Services Officer
Liz Knox – Environmental Services Manager
Angela Tyrrell – Senior Legal Assistant
Hannah Walker – Trainee Democratic Services Officer

In attendance:

Gemma Spencer – Licensing Support Officer
Karen Wright – ICT Manager

5. Apologies and substitutions

Apologies for absence were received from Cllr Alison Whelan.

Cllr Caroline Shepherd was attending as substitute.

6. Declarations of interest

No declarations of interests were made.

7. Minutes

The Committee received the Minutes of the meetings held on 14 December 2022 and 25 May 2023.

It was resolved unanimously:

That the Minutes of the Licensing Committee meeting held on 14 December 2022 and 25 May 2023 be confirmed as a correct record and be signed by the Chairman.

8. Chairman's announcements

There were no Chairman's announcements.

9. CCTV in taxis consultation

The Committee considered a report, Y33 previously circulated, that detailed the responses to the "Introduction of mandatory in-vehicle CCTV in hackney carriages and private hire vehicles" consultation which took place between 16 December 2022 and 13 March 2023.

The Senior Licensing Officer provided background to the consultation and explained that ECDC licence holders, those on the ECDC transport consultation list, Parish Councils, Ward Councillors, local and national charities, organisations and representative bodies, responsible authorities, and the general public (via the Council's website and the main library) had all been consulted.

A total of 35 responses were received, 20 from drivers licensed with the Council, 10 from members of the public, 3 from private hire operators licensed with the Council, and 2 from external organisations. There were currently 480 licences issued and therefore more responses over the 12 week consultation period would have been preferred, but the Senior Licensing Officer understood that the response rate was higher than that received by some other councils.

Tables 1, 2 and 3 within the report summarised the responses from licence holders, operators and the public regarding safety, vulnerability and verbal or physical abuse as well as their views on vehicle CCTV.

The responses to an open question highlighted concerns about privacy, data handling/protection/security, costs, and associated time off the roads regarding CCTV equipment, and the potential loss of contracts that did not wish to be recorded such as for Special Educational Needs transport. Positive comments were also received suggesting that safety may be improved, and contentious issues could be resolved.

The Senior Licensing officer was pleased to inform Members that ECDC licensed drivers felt safe whilst working, and only 3 of 20 reported they had been verbally abused, and none had been physically abused. He reported that only 4 of 20

would support mandatory CCTV at this time and none of the ECDC licensed operators who had responded supported the introduction of mandatory CCTV. The public responses showed that 9 of 10 respondents felt safe in an ECDC vehicle and none had reported any issues relating to harm or abuse. 4 of 10 stated that they felt more vulnerable at night, and 4 of 10 stated that they may use taxis more if mandatory CCTV was introduced.

The two external organisation responses included Witcham Parish Council, who felt CCTV would be beneficial but did not provide any reasoning. The position from the Licensed Private Hire Car Association (LPHCA) was that they did not support the blanket mandating of CCTV in taxis and had adopted the position taken by Transport for London (TfL) who left the decision as to whether to install CCTV to the licence holder, provided that they complied with the CCTV requirements laid down by TfL. Their response also detailed some areas of concern with CCTV in vehicles.

Members' attention was drawn to the Local Government Association's published document assisting councils in determining whether to mandate CCTV. The document advised that there would need to be clear evidence of an overwhelming need for CCTV within the Council's area. The Senior Licensing Officer explained that the numbers of incidents and complaints in recent years were low, and most related to poor driving which would not be captured if CCTV had been installed. He concluded that the consultation showed very low evidence of trade buy-in and support from the public. Given the lack of evidence, alongside the related privacy and cost implications, the Senior Licensing Officer stated that officers felt that the mandating CCTV in the licensed fleet would be disproportionate and should not go ahead at this time, but the existing CCTV condition wording should be improved, as detailed in paragraph 5.8 of the report to include licensed operator bases and the requirement for CCTV systems to comply with data protection laws and relevant codes of practice. The legal and cost implications of a blanket approach to introducing CCTV were also detailed.

In response to various questions from Members, the Senior Licensing Officer gave the following additional information:

- Routine audio recording was not permitted but could be used in an emergency, activated by a panic button for the driver and the passenger. When informing all licence holders of the outcome of this meeting, they would be reminded of the importance of complying with the legislation surrounding audio recording.
- Drivers who chose to install CCTV in their vehicles were required to comply with the Information Commissioner's Office (ICO) and, since the CCTV was not mandated, the Council was not the data controller in those circumstances. The recommendation to revise the wording of the existing CCTV condition sought to strengthen the requirements of the policy with regard to the law.
- In terms of police support for incidents, there were resourcing constraints and the very low number of reported incidents in East Cambridgeshire meant that it was not a priority area for them.
- The policy did not include dashcams since they faced externally. The driver would be the data controller for any footage and if there was a

complaint about poor driving then the complainant may be able to submit to them a lawful data request for the footage. Members of the public could also supply the Council with their own footage to support a complaint, but the Council could not request the general public to obtain evidence for them without considering covert intelligence gathering rules.

- There had only been two arrests of drivers, and one report of a driver being assaulted in the last 8 years. The public felt safe in ECDC-licensed vehicles and the trade were both professional and compliant, recognising that the whole trade would suffer if the public did not have faith in them.

The Chairman opened the debate. Members thanked the Senior Licensing Officer for his comprehensive report but expressed disappointment in the low level of responses to the consultation, although the responses themselves were encouraging that both drivers and the public felt safe. Based on the response rate, Members felt that there was no strong case to implement mandatory CCTV but the proposed change to the wording of the CCTV condition would be appropriate.

A Member requested more clarity on audio recording to prevent drivers from inadvertently breaching regulations. Another Member emphasised the cost of CCTV on small businesses, and whether it would make a difference potentially capturing crimes in the future. It was suggested by a Member that future responses from a consultation should be split to reflect gender, race, ethnicity etc to ascertain whether particular demographics had different views but recognised that, as the number of responses were low, it was not necessary in this instance.

A Member recognised the need for CCTV in larger metropolitan areas such as London, however in East Cambridgeshire the users tended to be regular customers.

The Senior Licensing Officer commented on the Members' discussion and advised that Officers would continue to monitor complaints, and if they were substantially increasing then the policy would be reviewed. The Environmental Services Manager emphasised that although the number of responses was low, in general people who did not have an issue may not have responded.

The Officer's recommendation to revise the condition wording but not mandate CCTV was proposed by Cllr Julia Huffer and seconded by Cllr Keith Horgan.

It was resolved (unanimously):

That the evidence fell short of the level necessary to mandate CCTV in licensed vehicles at this time, and that the existing CCTV condition contained in the Taxi Licensing Policy should be updated with the proposed condition contained in paragraph 5.8 of the Officer's report.

10. Taxi licensing policy – update

The Committee considered a report, Y34 previously circulated, that detailed the updates to the Taxi Licensing Policy for consultation with key stakeholders. The Senior Licensing Officer provided a background to remind Members that the Council was responsible for licensing hackney carriage vehicles and drivers, and private hire vehicles, drivers and operators within the Council's district boundary using powers granted in legislation. The current version of the Council's Hackney Carriage and Private Hire Licensing Policy came into effect on 11 November 2022 and allowed for non-substantial amendments to be made without consultation. Since 2017 various minor amendments had been made to the policy but, following a review of the policy, a small number of more substantial potential amendments had been identified and were detailed in Section 4 of the Officer's report.

Proposal 1 would be to increase the base model price of executive vehicles at point of manufacture from £35,000 to £50,000 to ensure that the executive exemption was fit for purpose and reflected the increasing costs of all vehicles since the £35,000 figure was set in 2017.

Proposal 2 would be to introduce the requirement for all new petrol and diesel vehicles (including petrol- and diesel-powered hybrids and LPG conversions) to be Euro 6 compliant. This proposal would be a measured step towards achieving lower NOx, HC and particulate pollution levels and move licence holders towards newer, greener, vehicles at a pace that was feasible from both an economic and technological viewpoint. Members were advised that generally all vehicles manufactured from 1 January 2015 were Euro 6 compliant and the vast majority of the Council's licensed vehicles were either Euro 6 or Euro 5 compliant. Details of the emissions limits for each category were also provided, together with the potential emissions savings per annum as the vehicles in each category were replaced with Euro 6 compliant vehicles.

Proposal 3 would introduce a 2-year deadline for all existing Euro 3 and a 5-year deadline for all existing Euro 4 and 5 petrol and diesel vehicles (including diesel- and petrol-powered hybrids and LPG conversions) to be Euro 6 compliant. He explained to Members that the proposed amendment would establish an irrefutable ground for refusing a renewal application when the existing licence expired beyond two or five years from the proposal taking effect. During this period, if an existing vehicle was written off, or replaced for any reason of non-compliance, the replacement vehicle must be of an equivalent Euro emissions level and CO₂ rating per km and be no older than the vehicle it replaced.

Proposal 4 would amend the rules regarding land line phones at operator bases to provide greater flexibility to operators, whilst ensuring that booking records could still be accessed and lawful as well as customers having a number to contact to speak to an operator.

Proposal 5 was to invite comments on any part of the current policy in force at that time. This would allow all key stakeholders to have the opportunity to comment on any part of the Licensing Policy in the interests of open regulation.

The current policy created a fair and transparent framework for all parties and the proposals were considered to relate to the Council's corporate objective for a cleaner, greener East Cambridgeshire, whilst striking a fair balance between environmental considerations and the difficulties faced by the trade both economically and technologically. Proposals 2 and 3 carried the added benefit of the improved safety standards and comfort of newer vehicles. Details of the financial implications of the five proposals and Members were reassured that any financial concerns raised by the trade during the consultation, would be considered by Members at a subsequent Committee meeting.

The Chairman then invited Members to ask questions to the Senior Licensing Officer. Two Members queried the assertion in paragraph 4.2.1 of the Officer's report, made without explanation or data, that practical limitations made strict low emission and zero emission vehicle policies unfeasible at this time. One also commented that, after the significant capital investment, electric vehicles had low running costs and many now had a good range between charges.

The Senior Licensing Officer made a comparison with Cambridge City Council which had a full electric policy for its hackney carriages and an ultra low emissions requirement for some other licensable categories. However, it was a more urban area with more public transport and a better charging infrastructure whereas the needs of users, the type of journeys and the infrastructure were different in East Cambridgeshire. Practical limitations included the cost of purchasing a suitable electric vehicle and the range that would be required between charges, particularly in inclement weather. There were no specific funds available to encourage a move to an electric fleet and any incentives would need to be decided by Full Council. In addition, the high cost of electric vehicles meant that those who could afford to purchase one were unlikely to be incentivised by any change to the licence fee. In addition, the Licensing team had good communication with the trade and were aware that one operator had a hybrid fleet. He commented that in the next 5 years new manufacturers would come forward with better size and mileage vehicles, and Officers would continue to monitor this.

In response to other Members' questions the Senior Licensing Officer supplied the following additional information and clarification:

- A Euro 6 vehicle would always remain as Euro 6; a vehicle cannot go down to a lower Euro rating.
- Vintage vehicles were not included in the proposals. The main fleet were standard private hire and hackney carriages, whereas non-standard vehicles would include limousines and converted fire engines; vehicles for more than 8 passengers or those which were originally designed for another purpose. The move to Euro 6 would not affect non-standard vehicles which were dealt with separately.
- The proposed £50,000 base model price of executive vehicles reflected inflation, and that vehicles were becoming more expensive. As the proposal would go out to consultation any feedback on the figure could be considered in due course. The new base model price referred to the point of manufacture and the policy would not be retrospective; those with

existing exemptions would be able to continue as long as they complied with all other conditions.

- Regarding proposal 3, the two and five year deadlines would take effect from the policy implementation date. The intention was for Members to consider the consultation outcomes at the December meeting and the policy would then commence from 1 January 2024. Although Euro 4 and 5 vehicles had both been given the same 5 year deadline, this could be altered by Members or in response to consultation comments.
- Proposals 1 and 2 would apply to all new licensing applications irrespective of whether or not the applicant's vehicle was new.
- The policy would be regularly reviewed and if Euro 7 standards were introduced then that could be included but the wording of proposals 2 and 3 would also be amended to clarify that a minimum Euro 6 compliance would be required.

The Officer's recommendation was proposed by Cllr Julia Huffer and seconded by Cllr Keith Horgan.

It was resolved (unanimously):

That Officers be instructed to consult with all key stakeholders on the proposals detailed in section 4 of the Officer's report, with minor wording amendments as discussed, the results of which to be considered at a subsequent Committee meeting.

11. Senior Licensing Officer's update

The Committee considered a verbal report that updated Members on current and emerging issues relating to Licensing both locally and nationally.

The Senior Licensing Officer reported that it had been a busy period for the Licensing team since the last committee meeting and he welcomed Gemma Spencer who had joined the team the previous week as a new Licensing Support Officer.

There were currently 481 taxi licences, 67 animal licences (which was a small decrease, as expected), 298 premises licences and clubs licences, and 34 street trading consents (which was a large increase from only 3 in 2016) as well as other temporary street trading consents. The year to date had seen 790 records processed through the licensing database, compared to 630 for the same period in 2022. The vast majority related to the taxi trade. This was projected to result in approximately 1200 records by the end of the year, compared to 936 for 2022. Not only were the department dealing with an increased number of transactions, but each one also had a longer processing time due to increased regulatory requirements.

The Taxis and Private Hire Vehicles (Disabled Person) Act 2022 imposed a legal obligation to treat disabled passengers equally and to publish details online of all accessible vehicles; the Council was fully compliant with this requirement.

The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 meant that new and renewal application had to be checked on the NR3S Register and there were also various updates to it that were required. The Licensing team also had a duty to report concerns about drivers or vehicles from other authorities, and act on any such reports regarding East Cambridgeshire licenses, within 21 days, which has meant more communication between authorities.

The Levelling Up Bill was at report stage in Parliament and the legislation would include pavement licensing as well as, potentially, taxi licensing reform. He estimated that it would be several years before any taxi licensing changes were implemented but the pavement licensing changes were expected in late 2023/24. In the meantime, the temporary pavement licensing from Covid times had been extended for a further year and the Council had recently renewed 16 licences as a result of that.

“Sensitive Information in Licensing Applications” (SILA) amendments to the Licensing Act 2003 were anticipated in relation to counterterrorism and would require the Licensing team to review publicly-available licence plans in order to redact or remove sensitive information from them.

The government’s overhaul of processes for cosmetic procedures was still underway and the committee would be updated in due course if there were to be any changes. They were currently handled by the commercial team within Environmental Services.

Temporary off-sales from Covid times had been extended to 31 March 2025 but the Covid-related changes to temporary event licences would finish at the end of 2023 and revert to 15 events over 21 days per year.

Legislation regarding animal welfare fixed penalty notices had been introduced in late 2022 and would be implemented soon giving some avenues other than prosecution. The Animal Welfare (Kept Animals) Bill had been dropped by the government but there had been an undertaking to add some primary aspects into other legislation.

In terms of court proceedings, a taxi appeal against a refusal was due in court soon and the ongoing animal prosecution case from 2022 was progressing and would be expected to be in court next year.

12. Forward agenda plan

The Committee received its Forward Agenda Plan and at the Chairman’s suggestion agreed that the Hackney Carriage and Private Hire Licensing Policy Review consultation responses item be moved from the 8 November 2023 meeting to the 13 December 2023 meeting.

It was resolved:

That the Hackney Carriage and Private Hire Licensing Policy Review consultation responses be moved from the 8 November 2023 meeting

to the 13 December 2023 meeting, and the amended Forward Agenda Plan be noted.

The meeting concluded at 11:24am.

Chairman.....

Date.....