

Licensing Committee

Wednesday, 22 January 2020

Present: Councillor Buston, Councillor Chuah, Councillor Crow, Councillor Elliott, Councillor Harris (Chairman), Councillor Hogg, Councillor Moore, Councillor T. Young.

Substitutes: Councillor Hazell for Councillor Wood

Also Present: Councillor Michael Lilley

95. Minutes of 6 November 2019

RESOLVED that the minutes of the meeting held on 6 November 2019 were confirmed as a correct record.

97. Draft CCTV Policy for consultation

Jon Ruder, Licensing, Food and Safety Manager, presented a report on the draft Hackney Carriage and Private Hire CCTV Policy and assisted the Committee with their discussions. The report was introduced, and Members were advised that the draft policy was being proposed for a period of consultation, and were asked to note that the CCTV specification had been subject to a number of revisions.

David Boylan addressed the Committee in accordance with the provisions of Meetings General Procedure Rule 5(1). Mr Boylan expressed his concerns at the proposals and asked the Committee to consider the option outlined at section 4.1 of the Officer's report, and determine not to proceed with implementation of CCTV. Mr Boylan expressed his belief that there was nothing to be gained from introducing mandatory CCTV to licensed vehicles, and pointed out that the continuous recording of audio by CCTV systems was not approved by the Information Commissioners Office (ICO) and said that the only time a 'panic button' built into the system would be used, would be when a driver was furthering their own cause and would not benefit the public. Mr Boylan further expressed his belief that CCTV did not act as a deterrent and was often deleted by the time the police were able to investigate an offence. Mr Boylan did not accept that there had been significant feedback from the taxi trade driver training that drivers felt vulnerable, and suggested that the real reason for introducing the proposal was the lack of police support. Concern was also expressed about the cost of installing any proposed system, with the cost per unit coming in at approximately £1,000 which for a large operator like Mr Boylan was a very significant sum of money. In conclusion Mr Boylan stated that he could not see the benefits of the proposed scheme at this time.

Kevin Fisher addressed the committee in accordance with the provisions of Meetings General Procedure Rule 5(1). He noted that the high cost of installing the CCTV was

leading to a lack of support for the proposal, and advised the Committee that he had discovered that Leeds Council had contributed £250 towards these costs per vehicle they licensed. He enquired whether Colchester Borough Council would consider doing the same.

Councillor Lilley, in his capacity as Portfolio Holder for Communities, Wellbeing and Public Safety, addressed the committee in accordance with the provisions of Meetings General Procedure Rule 5(1). Councillor Lilley expressed his opinion that the proposal in respect of CCTV was a major step forward, but acknowledged that it was also a significant step to take. He recognised the concerns over the cost of purchasing the systems, but stated that the main criteria had to be the promotion of public safety. He was also worried by reported vulnerabilities felt by the trade, and this highlighted the additional need to protect licensed drivers. Councillor Lilley accepted that the police were under funded and were unable to deal with all crime, but said that discussions had taken place with Essex Police about the appointment of a liaison officer to work with the licensed trade to support them. He considered CCTV to be essential on public safety grounds, citing the growing national drug problem, and the need to gather evidence to combat this and other criminality. Councillor Lilley identified the issues as being about protection for both the drivers and members of the public and stated that Colchester Borough Council had a responsibility to take all steps necessary to provide this protection. The cost of initially purchasing the CCTV systems was recognised as being significant and Councillor Lilley assured the Committee that he would look at every avenue to attempt to offset this cost if possible.

Wayne Thompson addressed the committee in accordance with the provisions of Meetings General Procedure Rule 5(1). Mr Thompson enquired why the Council could find £250,000 of funding to support additional CCTV in the town centre but could not find any money to support the protection of the public in taxis. He also questioned the presence of Uber registered vehicles in Colchester Borough and stated that he felt it would not be equitable for some taxis to operate without the requirement to install similar CCTV systems.

Jon Ruder addressed the concerns that had been raised. He advised Mr Boyland that he should submit his concerns about the proposal as part of the consultation, if the proposal was put out to consultation. With regard to concerns around policing, Jon confirmed that he had consulted with the police locally with a view to re-establishing regular meetings with representatives from the taxi trade. He was also looking at various lines of funding to offset the costs of purchasing the CCTV equipment. Jon confirmed that two vehicles were currently operating in Colchester for Uber which were licensed by South Cambridgeshire Council. He was satisfied that they were operating lawfully and confirmed that any policy put in place by Colchester Borough Council could not apply to these vehicles. Jon reassured the Committee that he had reviewed South Cambridgeshire Council's taxi policy and reported that it was very robust and along similar lines to Colchester's policy.

Councillor Young thanked the members of the public for their contributions, and expressed his support for the draft policy going forward to the consultation stage. He pointed out that whilst Colchester Borough Council had no influence over the response times of third parties the Council could lobby those who did have

responsibility. Councillor Young voiced concern about the duration of the consultation and associated implementation of the policy, but he understood the necessity for this and was looking forward to seeing the result of any consultation.

Councillor Hogg asked who was responsible for notifying Colchester Borough Council when Uber vehicles were working in the area, and Jon Ruder confirmed that no such confirmation was necessary.

Councillor Moore commented that the issue of continuous audio recording is a controversial one, and she requested clarification on which section of the policy would be in use in relation to the continuous recording requirements.

Jon Ruder explained that the CCTV recording devices would continuously record both audio and visual footage and only members of the Licensing Team would have access to this footage in accordance with a strict protocol. He explained that the use of a panic button in some systems would put a time stamp on the footage enabling incidents to be reviewed more easily. In relation to audio recording, Jon explained that a decision from the ICO was awaited on this, but that taxi and private hire vehicles were public spaces in the same way that busses and trains were, and the concept of private use did not apply to them.

Councillor Moore asked whether or not it could be possible that the pressing of a panic button in a vehicle could automatically set off an alarm in the Council to enable viewing of an incident as it unfolded. She also advocated representations to the local police regarding prompt response times to taxi related incidents.

Jon Ruder confirmed that this would not be possible as Officers were only permitted to view specific identified footage and not watch live. He did, however, confirm that the use of wifi systems with the CCTV cameras would allow necessary system updates to be sent automatically and would alert Colchester Borough Council to faults with cameras or when the camera obscured. Jon provided further assurance that the level of encryption of the cameras prevented any unlawful retrieval of footage. He also explained that video footage of incidents provided more effective investigation.

In response to an enquiry regarding the installation of cameras in older vehicles, Jon explained that the policy was aimed at vehicles approaching the end of their life as licensed vehicles, and was designed to ensure that the costs of transferring the systems between vehicles were minimised when vehicles were replaced, while still ensuring that all new vehicles had the system fitted. He further explained that legislation that governed the issuing of licences was the same nationally for all vehicles and drivers, but that individual Council policies differed and at this time the Ubers operating locally were not required to have cameras fitted. He speculated that in the future the fitting of cameras would be covered by a national mandatory policy and that at the present time eighteen Councils made the provision of CCTV a requirement in licensed vehicles.

In response to additional concerns raised by Members, Jon Ruder emphasised that footage could only be accessed in response to a specific request which had to comply with the specific protocols.

Councillor Crow noted the concerns that had been expressed about the costs of the systems but highlighted that the main issue was the protection of the public and the drivers. With this in mind, he enquired whether only the driver would have access to the panic button to activate the audio stamp in the event of an incident, and expressed concern that a vulnerable passenger may not have the option to use this feature.

Jon Ruder explained that all options were being considered with regard to the systems to be used, but that adding features to any system would further increase the cost. With regard to concerns about the system being turned off by a driver, Jon explained that there would be an overrun period when recording would still be active following the unit being turned off, and therefore it would not be possible to turn the system off in response to any incident.

Councillor Hazell asked for how long the footage was retained, and enquired whether the footage could be retained for longer periods to enable investigation from archived footage.

Jon Ruder explained that footage would be stored for a rolling period of twenty eight days and would be overwritten unless a marker had been put on the footage. Furthermore, footage would only be viewed in response to a specific incident or complaint, requested within a twenty eight day period following the incident.

Councillor Buston explained that the focus of the Committee had to be on the safety of the public and the drivers and that this was the overriding principle behind the proposal. He recognised that there were a number of issues to be addressed and suggested that a period of consultation was appropriate to enable these issues to be discussed. He welcomed the idea of obtaining funding to support the installation of the cameras, but confirmed that even if funding was not available this would not alter his opinion that the proposal should be approved. Councillor Buston pointed out that any expense incurred by a proprietor in respect of installing CCTV could be claimed back as a business expense. Councillor Buston was keen to emphasise that the proposal was not evidence of working against the trade, but a sign of an attempt to work together, and to this end he applauded the joint working which was being undertaken with Essex Police and urged all parties to carry this relationship forward.

In response to additional questions from the Committee, Jon Ruder confirmed that drivers were able to instal their own CCTV as well as any Council required system, provided they were correctly registered with the ICO. He also confirmed that all cameras being considered provided the facility for forward facing filming. With regard to footage retention and recovery, Jon made it clear that once footage had been overwritten it could not be recovered, and that no footage could be kept for longer than the specified retention period unless it related to a specific incident being investigated.

Councillor Harris sought clarification on feedback on the safeguarding training provided to the taxi trade, and Sarah White, Senior Licensing Officer, explained that although the safeguarding training had not been designed to get information relating

to CCTV, each session had generated feedback on driver vulnerability, with drivers reporting issues such as assaults, threats and experiences of racism.

Councillor Harris confirmed receipt of an email from the trade which would be added to the consultation responses. He further urged all interested parties to take part in the consultation process.

RESOLVED that the draft CCTV Policy be approved for public consultation purposes for a period of 12 weeks, and the results of the consultation be submitted to a future meeting of this Committee for consideration.

98. Caravans and Park Homes Update

Jon Ruder, Licensing, Food and Safety Manager, presented a report on the licensing of caravans and park homes and assisted the Committee with their discussions. Members were advised that this report provided an update on recent activity. Jon confirmed that all sites now complied with the relevant planning permissions and confirmed that when information had been received in respect of unlawful use, he had followed this through, which had recently resulted in an amicable eviction. Jon explained that some sites permitted occupation. He confirmed that regular audits of the sites were carried out, with the next audit due in the next two months.

John Akker addressed the committee in accordance with the provisions of Meetings General Procedure Rule 5(1). Mr Akker welcomed the report and explained that the sites were an important issue for the whole island, particularly as the sites were so large with approximately eighteen hundred static caravans on Mersea. Mr Akker was further concerned by the policies of Colchester Borough Council as contained in the Local Plan which showed that there will be an increase in caravan sites on Mersea. Mr Akker appreciated that the Licensing Committee did not have any powers in relation to planning matters, and accepted that some of the sites had long licences allowing people to be present for most of the year. He did, however, have concerns about some caravans being advertised in a way that was not in accordance with the site licence. Mr Akker requested that this matter be returned to the Committee in the summer for a further update following the work to be undertaken by Officers, and also that car movements on and off the sites be looked at. He further enquired how members of the public should submit intelligence about potential licence breaches to Officers.

Jon Ruder responded by confirming that he had investigated vehicle numbers but found it very hard to gain useful information from the exercise. He confirmed that he was in correspondence with Park Dean Resorts and that the sites were continuing to be monitored. Jon confirmed that if he received information from residents then he would follow this up, and this information would inform the upcoming audit process. It was not possible for him to carry out targeted surveillance on the sites under the Regulation of Investigatory Powers Act. Jon explained that some sites had a condition on their licence restricting travelling from the site to and from work, but that such conditions were planning dependent, and a lot of the issues that were being experienced arose from sub-letting of caravans and he was working together with the resorts to stop this.

Councillor Buston enquired whether the sites had to shut down for a month to comply with their licence conditions, and enquired whether vehicle movement statistics could be accessed by The Council.

Jon Ruder explained that most of the sites operated a 'fallow month' in either January, February or March when all residents were required to leave, and when maintenance could be carried out. The sharing of information was dependent on the good relationships which existed between the site owners and Colchester Borough Council, and this partnership working was key to resolving issues. Jon considered there may be more people resident on sites, but assured the Committee that Officers would continue to monitor the situation and act whenever possible.

RESOLVED that the information contained within the report be noted.

99. Taxi Policy Revisions

Sarah White, Senior Licensing Officer, presented a report on Hackney Carriage and Private Hire Licensing policy revisions and assisted the Committee with their discussions. She explained that the proposed changes to the Taxi Policy were to provide greater clarity for applicants. The first proposed amendment related to appeals for new drivers with convictions. The second proposed policy amendment was in response to allegations made that some drivers were claiming that their card payment machines were not working in order to avoid accepting short journeys from the ranks. Sarah explained that a much fuller card payment policy would be presented to the Committee at a future date once there had been an opportunity for Officers to consult fully with licensed operators on this. It was explained that the capacity to levy a soiling charge was already contained within the policy, but that it was felt helpful to now include this as a driver condition.

RESOLVED that the proposed amendments to the policy be approved.

100. Work programme

Matthew Evans, Democratic Services Officer, introduced the work programme 2019-2020.

RESOLVED that the contents of the work programme be noted.