



**MINUTES OF LICENSING AND PUBLIC SAFETY COMMITTEE**

**MEETING DATE Wednesday, 15 November 2017**

**MEMBERS PRESENT:** Councillor Marion Lowe (Chair), Councillor Matthew Lynch (Vice-Chair) and Councillors Jean Cronshaw, Doreen Dickinson, Tom Gray, Roy Lees, Adrian Lowe, Mick Muncaster, Debra Platt, Kim Snape, Ralph Snape and John Walker

**OFFICERS:** Lesley Miller (Regulatory Services Manager), Chris Carney (Licensing Enforcement Officer), Carl Gore (Empty Properties and Enforcement Officer), Alex Jackson (Legal Services Team Leader) and Nina Neisser (Democratic and Member Services Officer)

**APOLOGIES:** Councillor Gordon France, Margaret France and Sheila Long

**OTHER MEMBERS:** Councillor Joyce Snape

Also in attendance were representatives from South Ribble Borough Council's Licensing Committee and Department who came to observe the meeting.

The Regulatory Services Manager paid respects to Shelley Mee, Animal Welfare Officer at Chorley Council, following her sad passing. Shelley had worked tirelessly for the Council for 25 years and would be sorely missed by all her friends and colleagues at Chorley. All those present extended their condolences to her family.

**17.LPS.82 Minutes of meeting Wednesday, 19 July 2017 of Licensing and Public Safety Committee**

**RESOLVED – That the minutes of the Licensing and Public Safety Committee held on 19 July 2017 be confirmed as a correct record for signature by the Chair.**

**17.LPS.83 Declarations of Any Interests**

No declarations of any interests were received.

**17.LPS.84 Minutes of the General Licensing Sub-Committee**

**RESOLVED – That the minutes of the General Licensing Sub Committee held on 19 July 2017 be confirmed as a correct record.**

## **17.LPS.85 Exemption of a limited number of Vehicle Conditions for Wheelchair Accessible Vehicles**

Members considered a report from the Director of Early Intervention and Support regarding the revision to the vehicle conditions in relation to Wheelchair Accessible Vehicles (WAV's) as a result of the new information pertaining to the application of NCAP safety ratings and the removal of the condition requiring a fixed bulkhead.

The Licensing and Public Safety Committee recalled that in February 2016, Members agreed a revision of vehicle conditions, including condition 22; the requirement for vehicles subject to a grant to meet NCAP safety rating 4\* and above from 1 January 2017 and existing vehicles to meet this requirement from 1 January 2024.

The research carried out at the time demonstrated that a good proportion of the models available on the market that were used as a donor for the conversion to WAV were NCAP 4\* or above. Therefore at the time it was felt that the condition could be applied to the WAV fleet in the same way as it could do to the standard fleet, in that applicants could choose a model that meets the vehicle conditions.

Following a recent enquiry and some additional communication it was apparent that once the conversion had taken place the NCAP rating was an inappropriate standard to apply, due to the extent of the modifications.

The standards used for safety for the converted vehicles were ISO 10542/1:2012 Wheelchair tiedown and occupant-restraint systems or PAS2012/1: 2015 specification for M1 vehicles for the carriage of one or more passengers seated in wheelchairs. Therefore officers felt it was appropriate to use these standards for WAV's and exempt them from the need to meet NCAP 4\* and above, which was not the most relevant criterion.

Officers contacted the Department of Transport for advice but had not received a response at the time the agenda was published. At the meeting, the Regulatory Services Manager updated Members that following this, the Department Transport had provided reassurances that these proposed changes were adequate.

Furthermore, Officers had concluded that the condition to require a fixed bulkhead in WAV's was anomalous; there was no distinct reason why a bulkhead and partition was necessary in a WAV when it was not required within an ordinary vehicle. Therefore Officers proposed the removal of this condition.

Vehicle safety remained a priority for the Council, hence the introduction of a safety rating criterion in the first instance. However where this was not an appropriate measure, due to the conversion of the vehicle, it was understood that the Council should be flexible and amend their policies accordingly. In the same vein it was agreed that it was of high importance that the Council's vehicle conditions did not render it more difficult or unnecessarily limiting for proprietors to replace vehicles with more up to date and modern models, or vehicles that were more accessible to users.

Members welcomed the recommendations and agreed that more should be done to work with the trade to encourage existing WAV's to upgrade their vehicles when appropriate in the future. Following requests from Members it was agreed that Officers would communicate this information to the nine current WAVs and ensure that Chorley Motability be informed of the amendments.

After careful consideration it was proposed by Councillor Matthew Lynch, seconded by Councillor Adrian Lowe, and subsequently **RESOLVED unanimously**;

- 1. to exempt WAV's from the requirement to meet condition 22; NCAP rating of 4\* or above, and replace with the requirement for WAV's to meet ISO 10542/1:2012 or PAS2012/1 (Public Approved Standard for Wheelchair Accessible Vehicles).**
- 2. to remove condition 4 c ii – the requirement for WAV's to have a fixed bulkhead incorporating: A partition screen; A pay point and Assisted means of communication.**

#### **17.LPS.86 Postponement of the Implementation of the CCTV Condition for Licensed Vehicles**

The Director of Early Intervention and Support submitted a report advising the Licensing and Public Safety Committee of the discussion with the trade in relation to the installation of CCTV and consider the proposal to postpone implementation of the condition to allow the trade and officers to review the current and emerging technology.

The Committee recalled that in 2016 the Council consulted on the Consolidated Taxi Licensing Policy. In response to this consultation, a Private Hire Operator suggested mandatory installation of CCTV in private hire and hackney carriages.

At the Licensing Liaison Panel in January 2017 this suggestion was discussed and the panel agreed a timescale for implementation of 1 January 2018. In February 2017 the Licensing and Public Safety Committee agreed the Taxi Licensing Policy, including the condition for CCTV to be installed in licensed vehicles from 1 January 2018. The CCTV condition agreed by the Council included the need for the recordings to be retained for 28 days.

Following this, it became apparent that experience from other local authorities and discussions with the trade indicated that the implementation of CCTV was more complex than originally anticipated. In particular, the storage and control of data and the options available for this technology, which was developing at a rapid rate. Members were advised that there was a lot of activity occurring regarding CCTV at present with regards to case law and an ongoing Judicial Review.

Members were informed that the Lead Licensing Enforcement Officer was working closely with neighbouring authorities with regards to CCTV and discussions were being held to provide consistency across Lancashire. It was understood that central government was also researching the implementation of a mandatory condition for the requirement of CCTV in taxi vehicles. Therefore postponing the implementation date would allow Chorley to gather more information on this.

Officers raised an agenda item at the Licensing Liaison Panel on 27 September 2017, suggesting that the panel review the current and emerging technology and good practice and postpone the implementation of the condition to allow Officers to work with the trade to find the right technological solution. Both Officers and the trade wanted to ensure that the systems installed were effective and appropriate for the requirements of both the Council and the Trade.

Officers proposed that the latest date for the implementation of this condition be 1 January 2020, in line with the review of the consolidated Taxi Policy. However, the Licensing Liaison Panel suggested assessing the developments and recommended an appropriate, more immediate implementation date according to the information brought to the panel. It was advised that Officers would relay an updated proposed specification and any other pertinent information back to the Licensing and Public Safety Committee for future consideration.

Following Member queries, it was confirmed that both data protection and ICO requirements required signage of CCTV recording taking place had to be displayed clearly in all vehicles. It was also reiterated that footage needed to be stored for 28 days in compliance with data protection and ICO requirements. Proprietors could store footage for longer than this if required.

Members discussed the need to provide the trade with further guidance for those looking to implement CCTV in their vehicles and those who already have CCTV installed. It was suggested that a document be created and provided to the trade to provide further information on the requirements. It was also agreed that the Regulatory Services Manager would provide Members with a list of licence holders who already had CCTV installed in their vehicles.

Some Members felt that January 2020 would postpone implementation for too long as it was essential that vehicles had CCTV installed. It was reiterated that the trade had requested the requirement for CCTV and therefore it was in their own interests to install CCTV in their vehicles as soon as possible. Postponing the implementation date to undertake further research would provide greater protection for the public, trade and council. It was agreed that updates would be provided at all upcoming Licensing and Public Safety Committee meetings and Licensing Liaison Panel meetings until an implementation date was finalised.

Councillor Ralph Snape and Councillor Joyce Snape left the room before the item was concluded.

After careful consideration it was proposed by Councillor Mick Muncaster, seconded by Councillor Adrian Lowe, and subsequently **RESOLVED unanimously**;

- 1. to agree that the condition for the installation of CCTV in licensed vehicles from 1 January 2018 is temporarily postponed along with other aspects of the resolution of Licensing and Public Safety Committee on 1 February 2017 in relation to CCTV in vehicles (including CCTV in new vehicles on grant with appropriate signage and new standard conditions attached to vehicle licences relating to storage and access to footage) and kept under review by the Licensing Liaison Panel until a suitable agreed technology is identified.**

#### **17.LPS.87 Any urgent business previously agreed with the Chair**

Due to uncertainty following the proposed Enforcement Restructure, in the instance that this could be her last full committee meeting, the Regulatory Services Manager expressed her thanks to the Chair and Members of the Licensing and Public Safety Committee for their support over the years.

Chair

Date