

**Minutes of a Meeting of the
Licensing Committee of Adur District Council
Queen Elizabeth II Room, Shoreham Centre
19 June 2017**

Councillor James Butcher (Chairman)
Councillor David Simmons (Vice-Chairman)

*Councillor Ann Bridges	*Councillor David Lambourne
Councillor Stephen Chipp	Councillor Robin Monk
Councillor Brian Coomber	Councillor Lyn Philips
Councillor Emma Evans	*Councillor Ben Stride

* Absent

LC/17-18/01 Declarations of Interest

There were no declaration of interests

LC/17-18/02 Confirmation of Minutes

Resolved: that the minutes of the Licensing Committee meeting of held on 29 March 2017 be confirmed as the correct record

LC/17-18/03 Questions and Statements by the Public

Mr Ridley from Brighton Road addressed the Committee and asked two questions:

The Committee was told that the CCTV proposals before the Committee had been changed since they had been placed before the trade for consultation, it was purported that the policy was not compliant with legislation and guidance. It was asked why the Council wanted to proceed with the policy in the absence of consultation with the local trade. *The Licensing Officer told members that there were three changes to the policy that were minor in nature and did not materially change the original document sent to the trade for consultation at the beginning of the process*

It was purported that the case study listed in the report was in relation to a Worthing driver and the incident would not have been aided by CCTV as the incident happened outside of the vehicle. Members were told that the authority need to provide evidence that there was need for it within the Adur District. He asked why the Council had not set out the nature and number of offences where suspensions had been considered in Adur and whether cameras assisted or would have assisted in those offences. He asked further why there had been no evidence presented to show need in Adur for the mandatory implementation for CCTV. *In relation to the figures requested, Mr Ridley was told that he would be responded to within three working days. The Licensing Officer explained that the case outlined in the report was in relation to an Adur Driver and it was in Adur. CCTV in an incident at Shoreham station resulted in assailants being taken to court and receiving a custodial sentence.*

Mr Campfield addressed the committee and asked why the trade were not informed of the date of the Licensing Committee meeting as had previously been agreed. *The Chairman explained that the legislation concerning the publication of agenda and notice of meeting had been complied with.*

Mr Campfield stated that he believed that CCTV was expensive and unnecessary. He stated that he had not experienced a problem in twenty six years of running a Taxi. He asked why CCTV was needed. *The Chairman stated that the Committee would bear in mind representations during discussion of the item.*

Mr Murrell addressed the Committee purported that the Committee had agreed that the points system would be scrapped and asked why the Committee were looking at the issue again. *The Chairman explained that at the last meeting the Committee had asked for a further scoping report on the issue.*

Mr Mr Murrell asked a question about how the drivers' considerations were taken into account at meetings. *The Chairman explained that at the previous meeting on the matter a significant number of changes had been made to the handbook following representations made at the meeting and in writing.*

Mr Flemming addressed Committee and explained that there had been no direct contact with the drivers regarding the content of papers before the Committee and that there had been an understanding that drivers would be given direct contact in this regard. He asked a question about what the Chair would do given that some drivers had little or no sight of the documents prior to the meeting. *The Chairman stated that he wasn't aware of an understanding about contact outside of the Council's statutory responsibilities but that a response would be sent in writing on that issue. The Chairman explained that the reports before the Committee had already been through consultation which is why there had been no further consultation on those issues.*

Mr Flemming asked if there could be some consideration of making CCTV mandatory for new drivers but making CCTV discretionary for existing drivers. *The Legal Officer advised that this suggestion could create issues regarding Human Rights.*

Mr Cassidy told members that two local companies had told him they would not use him if he had CCTV or other recording devices in his cab and asked if the Council would compensate him for loss of earnings. *The Chairman stated that the Committee could not comment on individual cases*

Mr Cassidy asked if it should be up to the driver to decide if they wanted to have CCTV based upon how safe they felt. *The legal officer advised that when making a decision the Committee would consider not just the safety of drivers but also the safety of passengers.*

Mr Murrell asked about the dispensations asked about within the report. *The Licensing Officer told Members that exception would be granted to some certain types of vehicles and the types of journeys that they undertook.*

Mr Roberts addressed the committee and told members that he didn't see the benefit of making CCTV mandatory although he understood why some drivers felt the need to install it and he had no problem with the Council introducing a policy for that.

Mr Skelling stated that he had CCTV in his cab because he needed it due to the nature of his specialist work. He had not received one incident in the 15 years of it being in operation.

LC/17-18/04 Items Raised Under Urgency Provisions

There were no items.

LC/17-18/05 CCTV Impact assessment for Private Hire and Hackney Carriage licensed vehicles

Before the Committee was a report by the Director for Communities, copies of which had been circulated to all Members and a copy of which is attached to the signed copy of these Minutes as Item 5. The report detailed for Members the outcome of a CCTV Impact Assessment following the Committee's meeting on the 16 January 2017, when it was resolved by Members to approve a new Hackney Carriage and Private Hire Licensing Handbook and the issue of the installation of CCTV be brought back to the Committee following completion of the assessment.

The Licensing Officer introduced the report to the Committee and was questioned regarding what constituted an 'executive vehicle', and the feedback received as part of the consultation.

Members debated the recommendations for the report and there was recognition about the importance of safeguarding and the role that CCTV may play. However there was not agreement that the introduction of CCTV should be compulsory for new or existing drivers and that the matter be discretionary instead of mandatory.

Resolved: That the use of CCTV in Hackney carriages and private hire vehicles be discretionary and the handbook and policy be amended to reflect that.

LC/17-18/06 Review of Penalty Point system for Hackney Carriage and Private Hire licences

Before the Committee was a report by the Director for Communities, copies of which had been circulated to all Members and a copy of which is attached to the signed copy of these Minutes as Item 6. Members were invited to view the scoping report reviewing the Hackney Carriage & Private Hire Licensing Penalty point system. Members were requested to consider the document and adopt the document including any amendments considered required.

The Licensing Officer introduced the report to the Committee and updated Members that the proposed penalty for use of the mobile phones had been increased given the change in law nationally.

A Member asked the Licensing Officer to clarify how the proposals differed from arrangements currently in place. Members were told that scoring system removed the need for officer discretion and that when a driver reached a numerical limit of penalty points they would be referred to the Licensing Committee for a decision on further action. It was asserted that the new system was transparent and all parties would know what would happen in relation to enforcement. Members were told that as was the case now, appeals against decisions of the Licensing Committee could be submitted to the magistrates court.

The Committee discussed the proposals and the majority of members felt that the current measures did not need amending and that the new proposals were unnecessary.

Resolved: That the penalty point scheme be not adopted as part of the Hackney Carriage and Private Hire Drivers' handbook

The meeting ended at 8.08pm it having commenced at 7.00pm

Chairman