

Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

Licensing Committee

The meeting will be held at **7.00 pm** on **22 February 2022**

South Essex College, High Street, Grays, RM17 6TF in room W1.22 and W1.23

Membership:

Councillors Gary Collins (Chair), Tony Fish (Vice-Chair), Qaisar Abbas, Chris Baker, Daniel Chukwu, Ben Maney, Fraser Massey, Augustine Ononaji, Shane Ralph, Kairen Raper, Sue Sammons, Graham Snell and David Van Day

Substitutes:

Councillors Abbie Akinbohun, Robert Gledhill, Tom Kelly and Steve Liddiard

Agenda

Open to Public and Press

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To approve as a correct record the minutes of the Licensing Committee meeting held on 28 September 2021.	
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To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972	
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Queries regarding this Agenda or notification of apologies:

Please contact Kenna Victoria Healey, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **10 February 2022**

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- **Not participate or participate further in any discussion of the matter at a meeting;**
- **Not participate in any vote or further vote taken at the meeting; and**
- **leave the room while the item is being considered/voted upon**

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
 - High quality, consistent and accessible public services which are right first time
 - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
 - Communities are empowered to make choices and be safer and stronger together

2. **Place** – a heritage-rich borough which is ambitious for its future
 - Roads, houses and public spaces that connect people and places
 - Clean environments that everyone has reason to take pride in
 - Fewer public buildings with better services

3. **Prosperity** – a borough which enables everyone to achieve their aspirations
 - Attractive opportunities for businesses and investors to enhance the local economy
 - Vocational and academic education, skills and job opportunities for all
 - Commercial, entrepreneurial and connected public services

Minutes of the Meeting of the Licensing Committee held on 28 September 2021 at 7.00 pm

Present: Councillors Gary Collins (Chair), Tony Fish (Vice-Chair), Daniel Chukwu, Ben Maney, Augustine Ononaji, Kairen Raper, Graham Snell and David Van Day

Apologies: Councillors Qaisar Abbas, Chris Baker and Sue Sammons

In attendance: Paul Adams, Licensing Manager
Jake Ross, Trainee Solicitor
Simon Scowther, Legal Adviser
Kenna-Victoria Healey, Senior Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the recording to be made available on the Council's website.

1. Minutes

The minutes of the Licensing Committee held on 3 February 2021 were approved as a correct record subject.

2. Items of Urgent Business

There were no items of Urgent Business.

3. Declaration of Interests

There were no declarations of interest.

4. Applications Received

The report updated Members to the applications received by the Licensing Department between January 2020 and August 2021. The Licensing Manager apologised that part of Appendix A was missing, the names and addresses of companies, however confirmed that a full table would be circulated to all Members after the meeting.

The Chair of the committee Councillor Collins sought if any applications had been refused. The Licensing Manager explained out of the applications submitted none had been refused however there was a Temporary Event Notice (TEN) which was withdrawn by the applicant, before it reached a Sub-Committee.

RESOLVED:

For the Licensing Committee to note the contents of the report.

5. Setting of Licensing Fees

The Licensing Manager presented the report which set out the process and methodology for setting the licence fees associated with licence applications under the remit of the Licensing Committee and the proposed fees for consultation where necessary for 2022/2023 financial year.

It was explained that with the exception of statutory set fees any fees charged must be based on cost recovery and that no profit could be made from the licence fees income. The Licensing Manager continued by advising there were no changes to the current fees and should the Council make a profit from the fees, this would be rolled towards future years and to cover any deficit which may have occurred previously.

Members heard how Appendix B to the report was the responses received from the consultation.

It was asked by Councillor Chukwu as to how often the fees were set. The Licensing Manager described how all licensing fees were reviewed annually and as most licenses were granted for a periods of 1 and up to 5 years every three years an in-depth review was undertaken and any increases or decreases would be made at this point.

RESOLVED

That the Licensing Committee agree the fees and charges as set out in Appendix A for the 2022- 2023 financial year.

6. Licensing Act 2003 Statement of Licensing Policy

The Licensing Manager introduced the report advising Members the Licensing Act 2003 required the Council as a Licensing Authority to produce a Statement of Licensing Policy. The legislation further required that the Council reviewed, determine and publish the policy with respect to its licensing functions every five years. Members heard the current statement of Licensing Policy first came into effect on January 2014, and was now overdue for a review.

The Committee were further advised that Appendix B of the report was a summary of the responses received from the consultation and Officers were to take on board the information supplied by Public Health.

Councillor Fish sought clarification as to whether those who had responded to the consultation had received an acknowledgement from the Council. The Licensing Manager explained Officers would provide an acknowledgement email once the policy had been finalised and this would include the link to the updated policy.

Councillor Maney enquired as to whether the authority had been left exposed due to the policy expiring in 2018. The Licensing Manager commented that unfortunately the policy had been delayed due to the COVID-19 pandemic and unless there had been any legal changes which would affect the policy the Council would not have been left exposed. The Legal Advisor confirmed there had been no change in the law which would affect the Licensing Act and therefore the Council had not been left exposed to any possible legal action.

Councillor Snell sought clarification as to the number of responses received. The Licensing Manager explained there had also been three blank responses with no comments. He further advised that the department had written to all licence holders, and it was not unusual to receive little response. Councillor Snell further commented if this was the case then it could be assumed that licence holders must be happy with regards to the policy.

RESOLVED

That the Licensing Committee:

- (a) Considered the consultations response as in Appendix B; and**
- (b) Agreed reviewed Statement of Licensing Policy as attached at Appendix A, and recommends to Full Council that it be adopted and implemented with immediate effect.**

7. Taxi Licensing Policy

The Licensing Manager addressed the Committee explaining the Department for Transport had published statutory taxi and private hire vehicle standards which set out the minimum standards for licensing authorities to apply with regards to certain aspects of taxi licensing. The councils policy had been developed so that policies and procedures were brought together into one policy document, reviewing the areas of existing policy to ensure that the minimum standards were met.

Councillor Ononaji enquired if there was more Officers or the authority could do in getting responses from the taxi trade in relation to the consultation for the policy, given that only two comments were received. The Licensing Manager explained previously there had been a healthy trade association which included a number of drivers together representing the taxi trade however at present there was not one in place and this sometimes made it difficult to receive responses.

During discussions the Committee were advised that DBS enhanced checks were undertaken for all drivers and these could sometimes be returned as early as the next day however on average there was a waiting period of 12 weeks. They further heard how if an applicant had lived abroad for four weeks

or more, then a certificate of good conduct was required, and this was usually obtained via the embassy for the country they had been living in.

Members moved on to discuss the use of CCTV within taxi vehicles with the Licensing Manager explaining if taxi drivers had CCTV within their vehicles they were to manage the data accordingly in line with GDPR. If the Council included CCTV within vehicles as part of their policy then council would become the data controller and this was something officers were looking into and a report was to be presented to the Committee at the request of the Chair. Members were advised at present it was not compulsory for a taxi vehicle to have the use of CCTV.

Following the discussion of CCTV within vehicles Members requested an additional meeting to be able to have a report presented and a full discussion had on the subject. Officers agreed to look at holding an additional meeting before the February meeting.

RESOLVED:

That the Licensing Committee –

- (a) Considered the consultations response as in Appendix B;**
- (b) Agreed the Taxi Licensing Policy as attached at Appendix A, and recommends to Full Council that it be adopted and implemented to come in to effect, on a date that is at least 2 months after adoption.**

8. Gambling Act Statement of Principles

The Licensing Manager advised Members the Gambling Act 2005 required all local authorities to produce a statement of the principles, which they proposed to apply when exercising their functions under the Act. He continued to advise the Act also required any statement to be reviewed at least every three years, the Councils current Statement of Principles came into effect in January 2016.

Members heard the policy had been updated in line with legislation and had been out for consultation which had received one response from Gamble aware.

It was enquired by Members as to why the Statement of Principles had not been updated. It was clarified due to COVID-19 Officers had been dealing with enforcement surrounding the pandemic and unfortunately were playing catch up. The Licensing Manager advised there had been no applications relating to gambling establishments within the last 12 months.

Following a question from the Chair of the Committee it was explained Bingo was not an age restricted game, however as some venues which held Bingo

could include adult gaming areas and sell alcohol, entry to certain areas could be therefore be age restricted.

RESOLVED:

That the Licensing Committee agreed the reviewed Gambling Act Statement of Principles as attached at Appendix A, and recommends to Full Council that it be adopted and implemented with immediate effect.

The meeting finished at 7.50 pm

Approved as a true and correct record

CHAIR

DATE

Any queries regarding these Minutes, please contact Democratic Services at Direct.Democracy@thurrock.gov.uk

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22 February 2022	ITEM: 5
Licensing Committee	
CCTV in Hackney Carriages and Private Hire Vehicles	
Wards and communities affected: All	Key Decision: Key
Report of: Paul Adams, Licensing Manager	
Accountable Assistant Director: Leigh Nicholson, Assistant Director Planning, Transport and Public Protection	
Accountable Director: Julie Rogers, Director of Public Realm	
This report is: Public	

Executive Summary

This report considers the existing the existing policy in relation to the use of CCTV in Hackney Carriage and Private Hire Vehicles, in line with the DFT Statutory Taxi and Private Hire Vehicle Standards which sets out the minimum standards for licensing authorities to apply with regards to certain aspects of taxi licensing, including the use of CCTV.

1. Recommendation(s)

1.1. That the Committee either–

- (a) **Agrees to keep in place the existing policy that the installation of CCTV in a licensed vehicle is at the discretion of the vehicle proprietor.**
- (b) **Agrees to go out to consultation to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users for further consideration by this committee.**

2. Introduction and Background

- 2.1 In July 2020 the Department for Transport published its Statutory Taxi and Private Hire Vehicle Standards which sets out the minimum standards for licensing authorities to apply with regards to certain aspects of taxi licensing. The main aspects of the standards have been considered by the Licensing Committee previously, with the exclusion of CCTV in vehicles.

2.2 The use of CCTV in licensed vehicles is permitted In Thurrock Council's current Hackney Carriage and Private Hire Vehicle Specifications and Licence Conditions. The condition for both vehicle types provides:

- A proprietor of a licensed HC/PH vehicle will be permitted to install CCTV provided that the CCTV complies with all legal requirements (please see appendix for further guidance)

2.3 Thurrock currently has 250 licensed vehicles. It is estimated that a small proportion of these vehicles have inward facing CCTV systems installed. A record is made of CCTV installation on the vehicle inspection form, this information is not recorded in a searchable format so numbers of vehicles with CCTV installed can not be easily collated.

2.4 A copy of the CCTV Guidance can be found at **Appendix 1**. The guidance covers the following general areas:

- The purpose of CCTV
- The installation must not interfere with the safe operation of the vehicle.
- The CCTV must be fitted safely and securely and in line with manufactures instructions
- Audio recording is not permitted, limited exceptions are provided.
- How images are stored and used.
- Other Information Commissioner and GDPR requirements.
- Signage required.

2.5 It is important to note that these conditions do not mandate that CCTV has to be fitted but are applicable if the vehicle proprietor feels there is an adequate purpose to have the CCTV installed.

3. Issues, Options and Analysis of Options

3.1 The Department for Transport Statutory Taxi and Private Hire Vehicle Standards at Sections 7.7 – 7.13 provides:

Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the Crime Survey for England and Wales only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e., all parties should be aware when recordings are being made) and targeted (i.e., only when passengers (or drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document. A Copy of the guidance is attached as **Appendix 2**.

- 3.2 The Guidance highlights that where licensing authorities mandates the installation of CCTV systems in taxis and Private hire vehicles, the licensing authority will be responsible for the data – the data controller.
- 3.3 In order for the council to meet its obligations as a data controller, the specification, installation and operation of any system must be sufficient to comply with all GDPR requirements and is likely to require a cloud-based system. An approximate cost for a typical compliant cloud-based system per unit would be:

- Purchase and installation of equipment: £1,100 per vehicle
- Annual operating costs for vehicle: £150 per year
- Transfer to another vehicle £300.

These costs would have to be borne by the vehicle licence holder unless funding could be obtained.

- 3.4 In addition to the costs for each unit there would be additional cost for the council annually to maintain and administer the system of approximately £100 per unit operated as well as an additional staffing resource requirement within the licensing team of up to one FTE post.
- 3.5 It may be possible that if the Council wishes to recover some costs associated with the installation of CCTV in its licensed vehicles it may be possible, at least in part, to do so by way of a charge on the driver licence fee.
- 3.6 It is known from the outcome of various consultations in other areas and anecdotally that the mandatory introduction of CCTV is likely to be opposed by a good proportion of the trade; a large percentage oppose it on the basis of cost and a smaller number on the basis that it is an invasion of privacy. It is important that the Council has a strong case for its introduction backed by a good evidential base to support its case.
- 3.7 Guidance provides that all licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

4. Reasons for Recommendation

- 4.1 It is a decision for each Local Authority to mandate or not the installation of CCTV. If the consideration of mandating CCTV installation is considered, consultation must be undertaken to consider if it is justified and proportionate.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Guidance provides that all licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.
- 5.2 If consultation is undertaken it will be important to seek views of all stakeholders which should include Hackney Carriage and Private Hire licence holders, Essex Police, Thurrock Community Safety Partnership, local victim support organisations, Thurrock Councils Data Management Team and ICT team.
- 5.3 The results of any consultation would be reported back to this committee for consideration.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 None.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Senior Management Accountant

The indicative costs of making CCTV mandatory in taxis are estimated as a one-off capital bid of c£275k plus an ongoing revenue budget of c£100k per year. All capital funding is subject to a successful capital bid and any increase in revenue budget would need to be met from the wider directorate budgets.

Whilst it may be possible to offset some of these additional costs through licensing fees, these have a cap set by government and it is likely there would still be a substantial residual cost to the council. In addition, consideration must be given to the fact that the council does not currently have a balanced budget for financial year 23/24 onwards with substantial savings still to find. Any increase to revenue budgets would further increase the amount to be found through savings

7.2 Legal

Implications verified by: **Simon Scrowther**
Principal Lawyer

The mandating of CCTV in licensed vehicles is at the council's discretion. The report highlights the implications and responsibilities under GDPR which as the Data Controller.

Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project
Monitoring Officer, Community
Development and Equalities.

If the consideration is given to making CCTV mandatory in licensed vehicles, consultation should be undertaken to seek the views of all stakeholders. This consultation will help identify any positive or negative effects to service users, including groups such as children, vulnerable adults or those with a protected characteristic as defined by the Equalities Act 2010..

7.4 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children

- None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Statutory Taxi and Private Hire Standards.
- IOL Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.

9. Appendices to the report

- **Appendix 1** – Thurrock Council CCTV guidance
- **Appendix 2** – Department for Transport Statutory Taxi and Private Hire Vehicle Standards CCTV Guidance.

Report Author:

Paul Adams, Licensing Manager, Licensing Team, Public Protection

Appendix 1

CCTV Installation in Private Hire and Hackney Carriage Vehicles

Introduction

These guidelines set out to ensure that CCTV systems in Thurrock Council licensed Hackney Carriages and Private Hire Vehicles (both referred to in this document as Taxis) are used to prevent and detect crime, reduce the fear of crime and enhance the health and safety of Taxi drivers and passengers.

For the purposes of these guidelines the term "CCTV system" will include any electronic recording device attached to the inside or outside of the vehicle having the technical capability of capturing and retaining either or both visual images or audio recording from inside or external to the vehicle. In addition to the standard CCTV camera system these may include for example, such devices as events/incident/accident data recording devices.

The purpose of CCTV

The purpose of the CCTV system shall be to provide a safer environment for the benefit of the Taxi driver and passengers by:

1. Deterring and preventing the occurrence of crime;
2. Reducing the fear of crime;
3. Assisting the Police in investigating incidents of crime.
4. Assisting insurance companies in investigating motor vehicle accidents

General Requirements

Any CCTV system to be fitted must, as a minimum, meet the requirements set out in this document. Only CCTV systems meeting these requirements can be installed into licensed Taxis.

CCTV systems installed in Taxis will be inspected as part of the annual licensing inspection to ensure they do not pose a risk to the safety of the passengers or the driver and are fitted safely and securely.

The installation and operation of CCTV shall comply with the requirements of the Information Commissioner's CCTV Code of Practice, which is available via:

http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/ico_cctvfinal_2301.pdf

All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations.

All equipment must meet all requirements as regards safety, technical acceptability and operational/data integrity.

All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

Automotive Electromagnetic Compatibility Requirements (EMC)

CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.

Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, is deemed to be an Electronic Sub Assembly (ESA) under the European Community Automotive Electromagnetic Compatibility Directive and therefore must meet with requirements specified in that Directive.

CCTV equipment should be e-marked or CE-marked. If CE marked confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles is required.

Camera Design Requirements

The camera(s) must be fitted safely and securely, should not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users.

Installation

All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.

The installed CCTV system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.

All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.

All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle.

It is contrary to the Motor Vehicle (Construction and Use) Regulations, 1986, for equipment to obscure the view of the road through the windscreen.

Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air

bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.

Viewing screens within the vehicle for the purposes of viewing captured images will not be permitted.

All wiring must be fused as set out in the manufacture's technical specification and be appropriately routed.

If more than one camera is being installed their location within the vehicle must be specific for purpose i.e. to provide a safer environment for the benefit of the Taxi or PHV driver and passengers.

All equipment must be checked regularly and maintained to operational standards, including any repairs after damage.

All system components requiring calibration in situ should be easily accessible.

Camera Activation Methods

Activation of the equipment may be via a number and combination of options, such as - door switches, time delay, drivers' panic button or in the case of incident/event recorder, predetermined G-Force parameters set on one or more axis (i.e. braking, acceleration, lateral forces) and configured to record for a short period of time before the event, during the event and a short period following the event A direct wired link to the vehicle's taximeter, in the case of a Taxi, will not be acceptable.

Audio Recording

CCTV systems must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. You must choose a system without this facility wherever possible; however, if the system comes equipped with sound recording facility then this functionality should be disabled.

There is a limited circumstance in which audio recording may be justified, subject to the sufficient safeguard below:-

- Where recording is triggered due to a specific threat, e.g. a 'panic button' is utilised. Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed. The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

Image Security

Images captured must remain secure at all times.

The captured images must be protected using approved encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. It is recommended by the Information Commissioner's Office (ICO) that "data controllers" ensure any encryption software used meets or exceeds the current FIPS 140-2 standard or equivalent. System protection access codes will also be required to ensure permanent security.

Retention of CCTV images

The CCTV equipment selected for installation must have the capability of retaining images either:

- within its own hard drive;
- using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card; or
- where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signalling to a secure server within the service provider's monitoring centre.

Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle.

CCTV equipment selected for installation must include an automatic overwriting function, so that images are only retained within the installed system storage device for a maximum period of 31 days from the date of capture. Where a service provider is used to store images on a secure server, the specified retention period must also only be for a maximum period of 31 days from the date of capture.

Where applicable, these provisions shall also apply to audio recordings.

Notification to the Information Commissioner's Office

The Information Commissioner's Office (ICO) is the official regulator for all matters relating to the use of personal data.

The ICO defines a "data controller" as the body which has legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, **the "data controller" is the specified company, organisation or individual which has decided to have CCTV installed.** The data controller has the final decision on how the images are stored and used and determines in what circumstances the images should be disclosed.

Notification is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

This means that any specified company, organisation or individual vehicle owner who has a CCTV system installed in a licensed taxi must register with the ICO (Notification) and obtain documented evidence of that registration.

This documentary evidence will be required to be presented to a Licensing Officer at any time during the term of the vehicle licence.

The Notification requires renewal on an annual basis, and payment of the appropriate fee.

Using a third party service provider (data processor)

Where a service provider is used for the remote storage of CCTV data they will act as a 'data processor'.

A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

There must be a formal written contract between the data controller and data processor (service provider). The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements. Documentary evidence of the contractual arrangements may be required to be presented to a Licensing Officer at any time during the term of the vehicle licence.

Use of information recorded using CCTV

The data controller is responsible for complying with all relevant data protection legislation.

The data controller is legally responsible for the use of all images including breaches of legislation.

Any images and audio recording should only be used for the purposes described earlier in these guidelines.

Requests may be made by the Police, Thurrock Council's Licensing Department or other statutory law enforcement agencies, insurance companies/brokers/loss adjusters or appropriate bodies, to the "data controller" to view captured images. The data controller is responsible for responding to these requests.

All requests should only be accepted where they are in writing, and specify the reasons why disclosure is required.

Under the DPA, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'subject access request'. Such requests must only be accepted where they are in writing and include sufficient proofs of identity (which may include a photograph to confirm they are in fact the person in the recording). Data Controllers are also

entitled to charge a fee for a subject access request (currently a maximum of £10) as published in the ICO CCTV Code of Practice.

Signage

All Taxis with CCTV must display appropriate signage. The driver may also verbally bring to the attention of the passengers that CCTV equipment is in operation within the vehicle, if it is felt appropriate.

The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

Contact Details

The name and the contact telephone number of the Data Controller must be included on the sign.

Signage for external facing CCTV systems

Where a CCTV system is installed in order to record incidents outside the vehicle, it will not be practical to display a sign. Instead, when the CCTV is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident. They should also be informed the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.

Note

Reference to 'Data Controller', 'Data Processor', 'Sound Recording' and 'Encryption Software' information made in this guideline complies with the current Information Commissioner's Office (ICO) CCTV Code of Practice 2008.

Statutory Taxi & Private Hire Vehicle Standards - CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office 'Surveillance Camera Code of Practice' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the Protection of Freedoms Act 2012, licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its 'Passport to Compliance' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a code of practice which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a self-assessment tool to assist operators to ensure compliance with the principles set of in the Surveillance Camera Code of Practice. The SCC also operate a certification scheme; authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and

increase public confidence that any risks to their privacy have been fully considered and mitigated.

The Data Protection Act 2018 regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access and to erasure. The ICO has provided detailed guidance on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in guidance that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

22 February 2022	ITEM: 6
Licensing Committee	
Electric Private Hire Vehicles	
Wards and communities affected: All	Key Decision: Key
Report of: Paul Adams, Licensing Manager	
Accountable Assistant Director: Leigh Nicholson, Assistant Director Planning, Transport and Public Protection	
Accountable Director: Julie Rogers, Director of Public Realm	
This report is: Public	

Executive Summary

This report considers the proposed amendment of the current Private Hire Vehicle Licensing Policy to allow for the use of a wider range of electric vehicles.

1. Recommendation(s)

1.1. That the Committee–

- (a) **Agrees to amend the Private Hire Vehicle Pre-Licensing Standards to include the electric vehicle section as in section 3.3 of this report.**

2. Introduction and Background

- 2.1 Thurrock Council's current Private Hire Vehicle Pre-Licensing Standards sets out the specification for any vehicle that is used as a Private Hire Vehicle must meet to be considered suitable for licensing. Similar standards exist for Hackney Carriage Vehicles. The Private Hire Vehicle Pre-Licensing Standards at attached as **Appendix 1**.
- 2.2 With the rapid development of electric vehicles in recent years, and the rollout of charging infrastructure across the borough and country, the use of electric vehicles is becoming more common place on our roads, including their use by the private hire industry.
- 2.3 Larger electric vehicles that meet the current specification to be considered suitable as licensed vehicles are significantly more expensive to purchase

than their fuel based equivalent. On average electric models are typically at least £6,000 - £8,000 more expensive.

- 2.4 Legislation requires that all journeys undertaken by private hire vehicles must be pre booked, unlike a Hackney carriage vehicle which can be hired from a taxi rank or hailed in a street. This gives a private hire operator to know who they are collecting, what they are intending to carry, and where the journey is to.
- 2.5 As journeys are prebooked, the private hire operator can dispatch a vehicle that can carry the number of people required along with a known amount of luggage, for a distance that is pre known. For bookings for single occupants, with minimal luggage a smaller vehicle may be more appropriate and economical to use.
- 2.6 The use of smaller electric vehicles has been considered by some of the local private hire industry, particularly where a large percentage of their jobs are locally based around single commuters. The Licensing Sub Committee has considered an application for a small electric vehicle and did on that occasion agree to depart for the council's policy and approved the use of that one vehicle type. This decision was based on the individual circumstances and is not binding on any future decision of this committee or any other sub-committee but can be taken into account.

3. Issues, Options and Analysis of Options

- 3.1 The current Private Hire Vehicle Pre-Licensing Standards, restricts the type of vehicle that can be used. Particularly around the size of the vehicle that is considered appropriate, in particular the following sections:
- *1.6. Be suitable in size and design for use as a Private Hire Vehicle and to the manufacturers specification have:*
 - 1.6.1. Rear Seat (width): The width of the rear seats, measured in a straight line widthways on the front edge of the seat must be such as will allow adequate seating accommodation to the extent of a minimum of 42cm (16 ½ ").*
 - 1.6.2. Seats (length): The length of the seat from the squab to the front edge must be a minimum of 43cm (17")*
 - 1.6.3. Knee Space: The measurement between the rear of the front seats and the squab of the backseat must be a minimum of 66cm (26") with the front seat at its centre point.*
 - *1.9. Have rear seat accommodation for not less than three passengers, unless the safe carriage of a passenger seated in a wheelchair necessitates the removal of any seat(s).*

- *1.10 Have accommodation for not less than 4 passengers.*
- *1.13 Have adequate luggage facilities, which must be provided separate from the passenger carrying compartment. All vehicles must be capable of carrying a wheelchair, folded down if appropriate, in a reasonable manner.*

3.2 To promote the use of electric vehicle used across the private hire industry in Thurrock it is proposed to amend the existing Private Hire Vehicle Pre-Licensing Standards, to include a section relating to electric vehicles only, which would allow smaller vehicles than normal permitted to be used.

3.3 The electric vehicle section would read as follows:

- Hybrid vehicles are not included in this section, only fully electric vehicles are subject to these alternative standards.
- The vehicle must be suitable in size and design for use as a Private Hire Vehicle.
- The number of passengers that the vehicle will be licensed to carry will be determined by the seat size as specified in sections 1.6.1 – 1.6.3 above. Any seats that do not meet the size specification will not be included in the vehicle's capacity, regardless of the number of seats shown on the vehicle logbook.
- The number of passengers that the vehicle is licensed to carry can be less than 4.
- The vehicle must have adequate luggage facilities, which must be provided separate from the passenger carrying compartment. As a minimum, vehicles must be capable of carrying a wheelchair, folded down if appropriate, in a reasonable manner.

4. Reasons for Recommendation

4.1 The change to the vehicle specification would encourage the use of electric vehicles for the private hire industry, allowing for cheaper green alternatives to be introduced to the fleet.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 It is not proposed to undertake consultation in relation to this change in standard. The change will not adversely impact the trade or the public but will promote the use of green vehicles locally.

6. Impact on corporate policies, priorities, performance and community impact

6.1 None.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Senior Management Accountant

There are no direct financial implications arising from this report.

7.2 Legal

Implications verified by: **Simon Scrowther**
Principal Lawyer

The Council's Private Hire Vehicle Pre-Licensing Standards sets out the Council's policy on the type and specifications of vehicles it considers suitable for licensing. Any previous departure from that policy based on the individual circumstances of a case does not bind this committee into changing its policy but may be a consideration.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
**Community Engagement and Project
Monitoring Officer**

The Private Hire Vehicle Licensing Policy gives consideration to those with disabilities by ensuring vehicles are wheelchair accessible. The proposed amendments to the policy do not alter this consideration and would not have any equality or diversity implications

7.4 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children

- None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. Appendices to the report

- **Appendix 1** – Thurrock Council's Private Hire Vehicle Pre-Licensing Standards

Report Author:

Paul Adams, Licensing Manager, Licensing Team, Public Protection

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APPENDIX 1

Private hire vehicle licence

Pre-licensing standards

1. The vehicle must:

- 1.1. When first submitted for licensing, must be less than 4 years of age.
- 1.2. At the time of renewal of the licence be no more than 10 years of age, except for wheelchair accessible vehicles, which must be no more than 15 years of age.
- 1.3. Speciality vehicles, classic vehicles and limousines can be more than 4 years of age at first point of licensing and will have no upper age limit, but must be subject to testing at a frequency according to age. These vehicles will also be exempt from other further requirements which may not be applicable to the vehicle type, at the discretion of the Licensing Department.
- 1.4. Any vehicle accepted for licensing as a Private Hire Vehicle after, may only be replaced by a vehicle that is younger by reference to the dates of first registration.
- 1.5. Be right hand drive, in good mechanical order and body condition and in operational order in every respect.
- 1.6. Be suitable in size and design for use as a Private Hire Vehicle and to the manufacturers specification have:
 - 1.6.1. Rear Seat (width): The width of the rear seats, measured in a straight line widthways on the front edge of the seat must be such as will allow adequate seating accommodation to the extent of a minimum of 42cm (16 ½ ").
 - 1.6.2. Seats (length): The length of the seat from the squab to the front edge must be a minimum of 43cm (17")
 - 1.6.3. Knee Space: The measurement between the rear of the front seats and the squab of the backseat must be a minimum of 66cm (26") with the front seat at its centre point.
 - 1.6.4. An exemption may be granted to the minimum specifications above in special circumstances if agreed by the Licensing Department. (An example where this may be appropriate is where MPVs or Minibuses have M2 seats fitted or on speciality vehicles.)

- 1.7. Have a minimum of 4 doors, each adjacent to and allowing direct access to and from the seats.
- 1.8. Have manufacturers recommended sized tyres (remould tyres are not acceptable).
- 1.9. Have rear seat accommodation for not less than three passengers, unless the safe carriage of a passenger seated in a wheelchair necessitates the removal of any seat(s).
- 1.10. Have accommodation for not less than 4 passengers.
- 1.11. Have appropriate seatbelts to the front and rear seats of the vehicle. The number of seatbelts fitted to the vehicle shall correspond with the number of passengers the vehicle is licensed to carry, plus a belt for the driver.
- 1.12. Have, in addition to the driver, up to 2 passenger seats in the front of the vehicle, provided each seat has a separate lap/diagonal seat belt.
- 1.13. Have adequate luggage facilities, which must be provided separate from the passenger-carrying compartment. All vehicles must be capable of carrying a wheelchair, folded down if appropriate, in a reasonable manner.
- 1.14. Have a parcel shelf or similar fitted, where the vehicle design allows for.

2. Wheelchair Accessible Vehicles

- 2.1. Shall be equipped with properly mounted fittings for the safe securing of a wheelchair and the passenger seated in it when carried inside the vehicle, in accordance with European Directive 76/115 EEC (as amended).

3. Minibus and Multi Passenger Vehicles

- 3.1. Any seat adjacent to the nearside door of the passenger compartment of a licensed vehicle must be removed, where necessary, to permit a clear and unobstructed entry to and exit from the back row seating compartment.
- 3.2. No person entering or exiting the licensed vehicle should have to remove or dismantle any seat or other obstacle, climb over any person being carried in the vehicle, or have any other person leave their seat to facilitate them entering or exiting the vehicle.

4. Tinted Windows

- 4.1. Tinted windows, including factory fitted tinted windows, which have sufficient tint to obscure the inside of the vehicle from being viewed from the outside will not be permitted without the prior approval of the Licensing authority. Those Hackney Carriage proprietors, whose vehicles have such tinted windows on 1 February 2014, may remain licensed until the vehicle is replaced. The only exceptions to that are likely to be considered are for vehicles with a plate exemption or limousines.

5. Taximeter

5.1. If a taximeter is fitted it:

- 5.1.1. Shall be fitted with an efficient taximeter that is capable of visibly recording fares by measuring distance and time and calculating fares for all lengths and duration of journeys equivalent to the maximum fare tariff set by the Taxi Operator. The taximeter shall be calibrated to only allow the use of the aforementioned tariff for the calculation of fares and no others.

6. Vehicle Inspections

6.1. Thurrock Council reserves the right to examine any vehicle before the grant of a Private Hire Vehicle licence in order to ascertain that the vehicle conforms to all current legislation, licensing criteria and licensing conditions. Such examination does not guarantee the grant of a licence.

6.2. The applicant shall submit the vehicle for an MOT and compliance inspection and/or other inspections as the Council may require at one of the Council approved garages as follows:

- 6.2.1. Upon initial application (regardless of the age of the vehicle)
- 6.2.2. Annually in respect of vehicles up to 5 years old.
- 6.2.3. Six monthly in respect of vehicles over 5 years old and up to 8 years old.
- 6.2.4. Four monthly in respect of vehicles over 8 years old

7. Production of Documentation

7.1. All applicants for a Private Hire Vehicle licence shall produce the following documents prior to the issue of a licence and at any time when requested to do so by the Council (documents must be current at the time the licence commences):

- 7.1.1. A current MOT test certificate
- 7.1.2. A valid vehicle test sheet issued by Thurrock Council approved testing garage, or other such certificate as may be required from time to time by Thurrock Council.
- 7.1.3. An insurance certificate or cover note, which expressly indicates cover for private hire and reward.
- 7.1.4. The vehicle registration document showing the applicants name and address.

- 7.1.5. New applications and transfer notifications must also include proof of ownership by means of bill of sale or hire purchase agreement.

8. LPG Vehicles

8.1. A Private Hire proprietor converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must notify the Council of such change and comply with the following pre-licensing conditions. These conditions will also apply to proprietors purchasing a new or used vehicle that runs on LPG:

- 8.1.1. That a certificate of compliance is produced to state that the LPG installation was undertaken by a Petroleum Gas Association (LPGA) approved installer.
- 8.1.2. That the vehicle displays on the front and rear screens, a sticker stating that the vehicle has been fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.
- 8.1.3. If a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not obstructing the entire luggage space.
- 8.1.4. The proprietor of the vehicle must notify DVLA Swansea, of the change in fuel from petrol to both LPG and petrol.
- 8.1.5. The vehicle is serviced by a person competent in LPG powered vehicles.

Private hire vehicle licence

Conditions of licence

1. Pre Licensing Standards

- 1.1. Satisfy the Private Hire Vehicle Licence Pre Licensing Standards adopted by Thurrock Council at all times.

2. Safety Equipment

- 2.1. An efficient and serviceable fire extinguisher marked with the plate number of the vehicle shall be carried at all times. Wheelchair accessible vehicles must carry a fire extinguisher which is at least a 1 litre AFFF extinguisher with a minimum of an 8A to 21B rating. Where a minibus fitted with a passenger lift to meet the construction and use regulations, a second extinguisher must be fitted near the back doors of the same type.
NB: In the event of a vehicle fire, the priority is to GET THE PASSENGERS OUT.
- 2.2. Each vehicle shall carry a first aid kit for the use of the driver and shall contain those items laid down by the Health and Safety (First Aid) Regulations 1981.
- 2.3. The proprietor shall have available in the vehicle sufficient high visibility jackets for the seating capacity of the vehicle, and an emergency triangle to use in the event of a breakdown or accident.

3. Interior Markings

- 3.1. The proprietor shall ensure that the following are clearly displayed inside the vehicle:
 - 3.1.1. The vehicle window card licence.
 - 3.1.2. "No Smoking" signs shall be displayed on both rear passenger door windows.

4. Exterior Signs

- 4.1. The proprietor shall ensure that:
 - 4.1.1. The licence plate issued by Thurrock Council identifying the vehicle as a Private Hire Vehicle shall be displayed in a vertical position and firmly fixed to the outside of the vehicle at the rear using the fixing bracket supplied. Velcro, cable tie and magnetic fastenings are not permitted. In any case of doubt about a proper method of fixing the plate, the Licensing Department should be consulted.

- 4.1.2. The Private Hire plate shall not be concealed from public view or defaced in any way.
- 4.1.3. The licence plate shall remain the property of Thurrock Council at all times and must be returned immediately if the vehicle ceases to be a licensed Private Hire vehicle, any detail of the vehicle is changed or if the vehicle licence is suspended or revoked by the Council.
- 4.1.4. Door stickers provided by Thurrock Council shall be permanently displayed on each rear door of the vehicle on the upper panel of the door. Magnetic door signs are not permitted. Any variance to the location of the stickers should be agreed with the Licensing Department.
- 4.1.5. The door stickers shall not be concealed from public view or defaced or altered in any way.

5. Trailers and Roof Boxes

- 5.1. A proprietor of a licensed Private Hire vehicle will be permitted to tow a trailer provided that:
 - 5.1.1. The trailer complies with all legal requirements (please see appendix for further guidance).
 - 5.1.2. The driver of the vehicle holds the appropriate category on his/her DVLA driving licence, which must be produced to the Council.
- 5.2. A proprietor of a licensed Private Hire vehicle will not be permitted to carry any form of roof box or luggage on the roof of the vehicle.

6. CCTV

- 6.1. A proprietor of a licensed Private Hire vehicle will be permitted to install CCTV provided that:
 - 6.1.1. The CCTV complies with all legal requirements (please see appendix for further guidance).

7. Advertising

- 7.1. A proprietor of a Private Hire vehicle shall ensure that the display of advertising materials is restricted to the following:
 - 7.1.1. Advertising, including product advertising or the trade name, address and telephone number of the circuit may be displayed anywhere on the exterior of the vehicle apart from the rear doors, which show the Thurrock Council stickers and the windows / glazing of the vehicle.

- 7.1.2. Product advertising is subject to the Council giving authority and retaining the right to request the removal of any particular advertisement that is felt to be unsuitable.
- 7.1.3. All product advertising must be professionally applied and no reflective materials may be used.
- 7.1.4. Wheelchair accessible vehicles may display the disability symbol of a maximum of 10" (245mm) square on the wheelchair access door(s) only.
- 7.1.5. Internal advertising is permitted subject to approval by the Council.
- 7.1.6. All advertising must be approved by the Council. The written approval of Thurrock Council shall be obtained as to the content and layout of any advertisement before it is fitted or displayed.

8. Vehicle Inspections

- 8.1. The proprietor shall submit the vehicle for an MOT and compliance inspection and/or other inspections as the Council may require at one of the Council approved garages as follows:
 - 8.1.1. Upon initial application (regardless of the age of the vehicle)
 - 8.1.2. Annually in respect of vehicles up to 5 years old.
 - 8.1.3. Six monthly in respect of vehicles over 5 years old and up to 8 years old.
 - 8.1.4. Four monthly in respect of vehicles over 8 years old
- 8.2. Vehicles submitted for inspection shall be in such a condition as to be suitable for inspection: free from oil or any other matter and thoroughly cleaned inside and out. Vehicles not meeting these conditions will not be inspected. These vehicles will be treated as having failed to attend the inspection and be suspended immediately until they pass a re-inspection.
- 8.3. The proprietor should submit the vehicle to the Council after any repair made necessary by an accident affecting the safety, performance or appearance of the vehicle or comfort or convenience of passengers.
- 8.4. Proprietors of vehicles which fail to attend any notified inspection, or whose vehicles are refused an inspection due to the condition of the vehicle shall be liable to pay a fee for a re-inspection.
- 8.5. Proprietors of vehicles, which fail to attend for an inspection, during the life of the vehicle licence, may be suspended immediately until such time as they attend and pass an inspection.

9. General Conditions

- 9.1. Vehicles must be kept clean, tidy, free from damage, well maintained and in every way fit for public service both inside and out.
- 9.2. Vehicles without alloy wheels should be fitted with all 4 matching hubcaps.
- 9.3. During the period of the licence the proprietor shall be in direct control of the day-to-day running of the vehicle.
- 9.4. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence, irrespective of the age of the passenger.
- 9.5. No passenger under the age of 16 shall be permitted to use any side facing seat at any time.
- 9.6. On vehicles with side facing seats, notices must be displayed inside the vehicle in a prominent position advising that persons under the age of 16 must not be seated in a side facing seat.
- 9.7. Whilst a vehicle is licensed as a Private Hire vehicle and at all times, shall not be driven by any person other than a driver properly licensed by Thurrock Council.
- 9.8. If the proprietor permits or employs another person to drive the vehicle, that person must be licensed by Thurrock Council. The proprietor must have a copy of his/her Hackney Carriage / Private Hire driver's licence before he/she commences to drive the vehicle. The proprietor will record the details of the licence in a register for that purpose. The copy of the licence will be retained until such a time as the driver ceases to be permitted or employed to drive the vehicle. It is the responsibility of the driver to notify the proprietor of the vehicle if he/she ceases to be permitted to drive.
- 9.9. A Private Hire proprietor who makes provisions for the acceptance of bookings for a Private Hire vehicle, by advertising a private telephone number and/or mobile number and accepts pre-booked fares, whether or not on a Private Hire circuit, requires a Private Hire Operators Licence. This does not preclude a proprietor carrying the business cards of a properly licensed operator for whom he/she is working.

10. Taximeter

- 10.1. Where a Private Hire vehicle is fitted with a taximeter:
 - 10.1.1. The operation of the taximeter shall accord with any Pre Licensing Standards and Conditions made by the Council.
 - 10.1.2. The vehicle shall be fitted with an efficient taximeter that is capable of visibly recording fares by measuring distance and time and calculating fares for all lengths and duration of journeys equivalent to the maximum fare tariff set by the Private Hire Operator. The taximeter shall be calibrated to only allow the use

of the aforementioned tariff for the calculation of fares and no others.

NB: Nothing in this condition prevents a driver from charging the customer less than the metered fare.

10.1.3. The taximeter shall be maintained at all times so that the fare displayed can readily be seen by the passenger(s). There shall be recorded on the face of the taximeter in figures, clearly legible and free from ambiguity a fare not exceeding the scale of fares prescribed by the Private Hire Operator.

10.1.4. The taximeter and all the fittings shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seal or other appliance.

11. Animals and the Carriage of Assistance Dogs

11.1. The proprietor shall not allow any driver to convey in a licensed vehicle any animal belonging to or in the custody of himself of the proprietor or operator of the vehicle.

11.2. Any animal belonging or in the custody of a passenger may be conveyed at the driver's discretion, however it shall only be conveyed in the rear of the vehicle.

11.3. The proprietor shall ensure the driver of the vehicle complies with the requirement to carry guide dogs, Hearing dogs, other assistant dogs, dogs for the disabled, support dogs and canine partners for independence.

11.4. A driver of a licensed vehicle is required to carry the following assistant dogs free of charge, unless the driver has a proven medical condition that would preclude such actions:

11.4.1. Guide dogs for the blind

11.4.2. Hearing dogs

11.4.3. Dogs for the disabled

11.4.4. Support dogs (e.g. epilepsy)

11.5. All assistant dogs can be identified usually by their harness or identification coat. The dog owner should carry an identification card, in the case of those registered as blind, this will include a passport sized photograph and in addition they may also hold an Institute of Environmental Health card confirming no hygiene risk to vehicles or premises.

11.6. All assistance dogs should travel at their owner's feet in the front of the vehicle where possible, unless the driver has a dog phobia or religious

belief, then the dog may travel in the rear of the vehicle with the passenger, but only with consent of the passenger.

12. Documentation

- 12.1. A proprietor shall at all times hold a current certificate or cover note of motor insurance and vehicle MOT certificate and ensure copies of the original documents are supplied to the Licensing Department upon first licence and at the time of renewal of the licence and at any other time as may be required. Certificates must run concurrent, without any breaks in date or time and new or replacement copy documentation must be submitted to the Council within 7 days of the expiry of the preceding certificate / cover note.
 - 12.1.1. Failure to provide copies of a valid insurance certificate or cover note and or MOT test certificate will lead to immediate suspension for a minimum of 24 hours or until the production of the required documents is made in person to a Licensing Officer, at which time the suspension will be immediately lifted.
- 12.2. A proprietor shall produce vehicle registration documents and any other evidence of proprietorship of the vehicle to the Council at the request of the Licensing Department, within a reasonable period of time or a maximum of 7 days from such a request.
- 12.3. The Council must be notified in writing or by electronic means within 7 days of any change of address. Official documents such as vehicle registration document, insurance certificate and driving licence must be presented to the Licensing Department as soon as reasonably practicable, showing proof of change of address.

13. Accidents / Vehicle Damage / Theft

- 13.1. The proprietor of any Private Hire vehicle shall report to the Licensing Department as soon as reasonably practicable and in any case, within one working day of the occurrence, thereof any accident causing damage to the said vehicle.
- 13.2. The proprietor shall report to the Licensing Department in writing, by telephone or by electronic means any vehicle body damage i.e. vandalism. Notification must be reported within 72 hours of such damage.
- 13.3. The proprietor shall report to the Licensing Department in writing, by telephone or by electronic means any theft of vehicle or licence plate. Notification must be reported as soon as practicable and within 72 hours of such theft.

14. Regulations

- 14.1. The proprietor shall ensure that any driver complies with the Council's Pre Licensing Standards and Conditions of Licence.

- 14.2. The proprietor should make themselves familiar with statutory requirements in relation to Private Hire Vehicle Licensing. These are available at a public library or via the internet.

15. Surrender of Licence

- 15.1. If the proprietor ceases to use the vehicle for the purpose for which it is licensed they shall surrender the licence and return the licence plate, which remains the property of Thurrock Council.
- 15.2. Thurrock Council may, at any time during the period of the licence, revoke the licence should a breach be detected of any terms and conditions of the licence.

16. Appeals

- 16.1. Statutory rights for appeal against the decisions made by the Licensing Authority in respect of the grant or renewal of a Private Hire vehicle licence are to be found in the Local Government (Miscellaneous Provisions) Act 1976:
 - 16.1.1. Appeal against conditions imposed on a Private Hire Proprietor's licence (to the Magistrates Court); and
 - 16.1.2. Appeal against refusal to grant a Private Hire Proprietor's licence (to the Crown Court)

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