

COMMUNITIES SCRUTINY COMMITTEE

MINUTES OF MEETING HELD ON FRIDAY, 28 FEBRUARY 2020

Present:

Councillor Kevin Tait (Chair) (in the Chair)
Councillor Oscar Gomez Reaney (Vice-Chair)

Councillor Joseph Birkin
Councillor Mark Foster
Councillor David Hancock

Councillor Lilian Deighton
Councillor Roger Hall
Councillor Jeff Lilley

Also Present:

V Dawson	Solicitor - Team Manager (Contentious)
A Maher	Senior Governance Officer
K Shiliitto	Solicitor
S Veerman	Overview and Scrutiny Manager

557 Apologies for Absence

No apologies for absence had been received.

558 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

Councillor R Hall declared a significant other interest as a taxi driver licensed by Chesterfield Borough Council. This was his 'operator' also employed drivers licensed by North East Derbyshire District Council. He indicated that he would not participate in the Committee's consideration or determination on this matter.

559 Minutes of Last Meeting

RESOLVED – That the Minutes of the Special Communities Scrutiny Committee held on 10 January 2020 and the Communities Scrutiny Committee held on 17 January 2020 be approved as correct records and signed by the Chair.

560 CCTV in Taxis

Councillor R Hall left the meeting at this point.

The Committee was reminded that it had discussed previously whether CCTV ought to be introduced in hackney and private hire vehicles licensed by the Council. Members had generally felt that a policy requiring CCTV to be installed in private hire and hackney carriage vehicles would have real advantages and that the Council ought to put this policy requirement into place.

In this context, the Committee noted that Cabinet had recently concluded that a policy to require CCTV in North East Derbyshire District Council licensed taxis should be progressed. Cabinet felt it important that this policy be developed in consultation with the drivers and that it took into account further government guidance on the use of CCTV in taxis, which was expected imminently.

Members then heard about the possible revisions to the Council's Licensing Policy – Hackney Carriages and Private Hire Vehicles. The Solicitor explained that, if adopted, these revisions would ensure that no vehicle would be licensed by the Council as a hackney carriage or a private hire taxi, unless a suitable CCTV system had been installed in it and that this system was compliant with the Council's data security and technical requirements. The policy requirement would not it was explained apply to those vehicles licensed by other local authorities which operate as taxis in the District.

The Committee was reminded that it would have an opportunity to comment on any specific proposals to establish the Policy, prior to their submission to Council for approval. The Committee welcomed this.

The Committee discussed extensively the possible policy revisions. Members considered the potential data protection implications that would need to be addressed, the need for clear signage explaining how vehicles had on-board systems, and how other local authorities had made the installation of CCTV a policy requirement for their licensed vehicles. In this context, the Committee recalled the policies and practices developed by Rotherham Council which required CCTV to be installed in their licensed vehicles.

In response to a question by Councillor M Foster, the Solicitor was asked to contact the authority to discuss its approach to requiring CCTV to be installed in their licensed vehicles. The Committee felt that this might be of assistance in developing and implementing the Council's own Policy on the installation of CCTV in vehicles licensed by North East Derbyshire District Council.

RESOLVED – That:-

- (1) The Communities Scrutiny Committee welcomed the proposed revisions to the Council's Licensing Policy, Hackney Carriages and Private Hire Vehicles and asked that the specific comments around required signage and other issues made at the meeting be taken into account in the development of the final Policy.
- (2) The Communities Scrutiny Committee requested the Council's legal service to liaise with Rotherham Borough Council on the approach taken to the development of their policies on CCTV systems in hackney carriage and private hire vehicles licensed by that authority, in order to determine what lessons could be applied to the Policy developed and adopted by North East Derbyshire District Council.

(Solicitor)

561 Licensing Procedure Note

Councillor R Hall returned to the meeting at this point. He declared an interest as

a Chesterfield taxi driver, but indicated that he would remain in the meeting and participate in the Committee's discussion.

At its last meeting the Communities Scrutiny Committee had been informed that the Council's Taxi Licensing Policy for Hackney Carriage and Private Hire Drivers had been amended in September 2018. Under the revised Policy, Officers were required to refer any applications to the Licensing Sub-Committee for determination when the applicants had been convicted of criminal offences.

What had become clear since then, was that many of those applicants with historical convictions had been required to attend Licensing Sub-Committee meetings, even though offences had occurred a very long time ago and the Officers had now concerns about them or their likely behaviour.

This aspect of the Policy it was explained had now been changed, so that the Offices could determine whether a person was a fit and proper person or whether someone was a 'fit and proper person' to hold a license when they had been convicted for historical offences. Current offences, would still be considered by the Licensing Sub-Committee.

The Committee had also discussed at its last meeting the weight attached to convictions when considering applications. The Legal and Licensing Officers had agreed to prepare additional guidance on this and to consult the Committee about it.

Members discussed the additional guidance. Concern was expressed that under it, some forms of assault would be treated as less serious than other assaults. Those crimes treated less seriously would include hate inspired assaults.

The Committee considered extensively the barring criteria to be adopted by the Council. Members felt that it would be inappropriate for those guilty of some assaults to be barred from being able to apply for a license for a longer period than those with convictions for other assaults.

Members felt that the Council's Taxi Licensing Policy for Hackney Carriage and Private Hire Drivers ought to treat convictions for assault as equally serious and that those convicted of assault ought to be barred from applying for licenses for an equally long period of time. The Solicitor accepted that there was no inconsistency which would need to be rectified. He discussed with the Committee the ways in which this could be done as soon as possible.

RESOLVED – That Committee recommended as part of the Council's Taxi Licensing Policy for Hackney Carriage and Private Hire Drivers, the Council be recommended that the currently highest eight year barring period be applied to all those convicted for assault offences, seeking to apply for a hackney or private hire driver's license with North East Derbyshire District Council.

(Solicitor)

562 Sex Establishments

The report to Committee asked Members to consider and comment on a draft Sex Establishment Policy. The Solicitor - Team Leader (Contentious) explained that

there were currently no sex establishments in North East Derbyshire. However, by adopting the new Policy, the Council would be able to exercise its legal powers to control the number of premises and their locations, if any applications to open such establishments were made in the future.

The Committee discussed the draft Policy and how it might be applied in specific circumstances. A number of practical points about the application of the Policy were raised, which the Solicitor - Team Leader (Contentious) agreed to consider.

The Committee was informed about the 12 week public consultation exercise on the Policy that would take place. Members also heard about the role which the General Licensing Sub-Committee would play in determining any applications.

At the conclusion of the discussion Members made it clear that they would support action to protect communities and those working in sex establishments. The Committee was pleased in this context that the proposed Policy for North East Derbyshire on sex establishments appeared to be more robust than those adopted by neighbouring local authorities.

RESOLVED – That the Communities Scrutiny Committee note the report.

(Solicitor – Team Manager (Contentious))

563 Scrutiny Review - Residential Parking

The Senior Engineer attended the meeting to answer and discuss the technical questions raised by Members during the Committee's review into Residential Parking. As part of this, the Committee heard about the proposed new 'hardstanding' specifications for parking on driveways, the enforcement powers to control on-street car parking and the management arrangements for off-street parking in the District. They also discussed the installation of 'drop down' kerbs at Council owned housing.

RESOLVED – That the Communities Scrutiny Committee noted the report.

564 Scrutiny Review

The Committee then considered all of the evidence which it had received during its review of Residential Parking. It identified examples of good practice and then made specific recommendations for future action.

RESOLVED – That the draft report on the Committee's review be prepared and submitted to Committee for approval.

(Overview & Scrutiny Manager)

565 List of Key Decisions - Issue No 93

The Committee considered Issue No 93 of the List of Key Decisions which set out the major decisions being taken over the next few months.

RESOLVED – That the List of Key Decisions, Issue No 93, be noted.

566 Scrutiny Work Programme

Members noted that the Communities Scrutiny Committee was scheduled to consider the work of the Community Safety Partnership for the year against the Partnership Action Plan at its next meeting.

RESOLVED – That the Communities Scrutiny Work Programme 2019-20 be noted.

567 Additional Urgent Items (if any)

There were no additional urgent items to be considered at this meeting of the Communities Scrutiny Committee.

568 Date of Next Meeting

The next meeting of the Communities Scrutiny Committee would be held on Friday, 1 May 2020 in Chamber 1, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield, S42 6NG.