

LICENSING COMMITTEE

**MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
TUESDAY, 3RD DECEMBER, 2019 AT 10.00 AM**

Councillors

N Buckley - Alwoodley;
R Downes - Otley and Yeadon;
B Flynn - Adel and Wharfedale;
A Garthwaite - Headingley and Hyde Park;
H Bithell - Kirkstall;
P Drinkwater - Killingbeck and Seacroft;
B Garner (Chair) - Ardsley and Robin Hood;
C Knight - Weetwood;
A Hutchison - Morley North;
P Latty - Guiseley and Rawdon;
J Lennox - Cross Gates and Whinmoor;
A Marshall-Katung - Little London and Woodhouse;
A Wenham - Roundhay;
P Wray - Hunslet and Riverside;

A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded) (*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)	
2			EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC 1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report. 2 To consider whether or not to accept the officers recommendation in respect of the above information. 3 If so, to formally pass the following resolution:- RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			LATE ITEMS To identify items which have been admitted to the agenda by the Chair for consideration (The special circumstances shall be specified in the minutes)	
4			DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.	
5			APOLOGIES FOR ABSENCE To receive apologies for absence (If any)	
6			MINUTES OF THE PREVIOUS MEETING To consider and approve the minutes of the previous meeting held on 5 th November 2019. (Copy attached)	1 - 8
7			MATTERS ARISING FROM THE MINUTES To consider any matters arising from the minutes.	
8			TAXI AND PRIVATE HIRE LICENSING - RESULTS OF CCTV WORKING GROUP To consider a report by the Chief Officer, Elections and Regulatory which provides a summary of the findings of the recent CCTV working group, the likely content of a CCTV policy and the areas where further consultation with the trade, general public and neighbouring authorities is required. (Report attached)	9 - 42

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9	Roundhay		PREMISES LICENCE - LICENSING ACT 2003, ROUNDHAY PARK, PRINCESS AVENUE, ROUNDHAY, LEEDS - AUGUST 2019 To consider a report by the Chief Officer, Elections and Regulatory which provides with details of the action log following the Roundhay Park concerts held on the 16th and 17th August 2019. A representative of the licence holder, Leeds City Council Parks & Countryside, will be in attendance at the meeting, together with a representative of the Safety Advisory Group. (During the course of this item, the Committee may move into Private Session to hear confidential information from the Safety Advisory Group) (Report attached)	43 - 48
10	Harewood; Wetherby		PREMISES LICENCE - LICENSING ACT 2003, LEEDS FESTIVAL 2019 To consider a report by the Chief Officer, Elections and Regulatory which provides details of the action log following the Leeds Festival 2019 event. A representative of Festival Republic, the event organisers will be in attendance at the meeting together with a representative of the Safety Advisory Group. (During the course of this item, the Committee may move into Private Session to hear confidential information from the Festival Organiser and the Safety Advisory Group) (Report attached)	49 - 52
11			LICENSING COMMITTEE WORK PROGRAMME To note and approve the contents of the Licensing Committee Work Programme for 2020. (Report attached)	53 - 54

Item No	Ward/Equal Opportunities	Item Not Open		Page No
12			DATE AND TIME OF NEXT MEETING To note that the next meeting will take place on Tuesday, 28th January 2020 at 10.00am in the Civic Hall, Leeds. Third Party Recording Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda. Use of Recordings by Third Parties– code of practice a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.	
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a)				
b)				

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Licensing Committee

Tuesday, 5th November, 2019

PRESENT: Councillor B Garner in the Chair

Councillors N Buckley, R Downes, B Flynn,
A Garthwaite, H Bithell, P Drinkwater,
C Knight, A Hutchison, P Latty, J Lennox,
A Marshall-Katung and P Wray

58 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents.

59 Exempt Information - Possible Exclusion of the Press and Public

There were not items identified where it was considered necessary to exclude the press or public from the meeting due to the confidential nature of the business to be considered.

60 Late Items

Although there were no late items of business, the Chair accept the inclusion of Supplementary information in the form of correspondence from the Secretary of Eurocabs Hackney Carriage Association, who wished to make representation in respect of Agenda Item No.8 - Taxi and Private Hire Licensing – Cross Border Working and Responses (Minute No. 65 referred)

61 Declaration of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests made at the meeting.

62 Apologies for Absence

Apologies for absence were received for Councillor A Wenham.

63 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meetings held on 8th October 2019, were accepted as a true and correct record.

64 Matter Arising from the Minutes

There were no issues raised under Matters Arising.

65 Taxi and Private Hire Licensing - Cross-Border Working and Responses

The Chief Officer, Elections and Regulatory submitted a report which provided an overview of cross-border working, and the response from Central Government, various Working Groups, Taxi and Private Hire Operators and Licensing Authorities in the UK.

The Taxi & Private Hire Licensing Manager explained that taxi and private hire vehicles had been able to work away from their licensing district because of changes in the use of technology and since deregulation of some areas of taxi and private hire licensing in 2015. Private hire vehicles licensed by other authorities (including some which do not border Leeds) were a common sight in Leeds.

Members noted that, whilst these vehicles could add to the supply of vehicles and customer convenience, there were a range of issues which could have implications for the taxi and private hire trade, licensing authorities and central government.

The Taxi & Private Hire Licensing Manager reported that there had been a rise in cross-border working in Leeds and West Yorkshire in recent years which had highlighted a number of issues:

- Observed and recorded vehicles – other licensing authorities in Leeds, and Leeds in other authorities;
- Driver licences and home postcodes;
- The effect of regional geo-fencing;
- Perceptions/views on cross-border working;
- The implications for licensing authorities;
- Current licensing and enforcement responses, including West Yorkshire & York; and
- Possible future licensing and enforcement responses.

Reference was made to the use of smartphone apps which enabled customers to book and pay for their taxi/ private hire journeys using their phones. Members queried if the technology/ operator was able to allocate a local driver to a local booking.

In responding the Taxi & Private Hire Licensing Manager said there was no reason why a local driver could not be allocated to a local booking, but operators would need to change their operating methods to allow customers to preference a local driver.

It was suggested by Members that Leeds had robust driver/ operating conditions, could the same operating conditions be imposed on national operators working in Leeds.

Members were informed that national operators working in Leeds could be asked to change their operating conditions but it was a question of public safety and evidence was required if operating conditions were to change.

Members queried the number of drivers registered in Leeds but who did not have an LS postcode

Members were informed that of 4,983 current taxi and private hire drivers renewing their licence with Leeds in 2019, just over 55% (2,738) lived at a 'Leeds' or LS postcode, with 36% (1,814) living in Bradford or a BD postcode, with just over 2% living elsewhere in West Yorkshire (62 at an HX postcode, 42 at an HD postcode and 8 at a WF postcode).

Members queried why drivers working in Leeds would seek to register elsewhere.

Members were informed that the driver operating standards/ conditions were far more robust in Leeds than some other smaller authorities who did not necessarily have the resources to operate to the same standards as Leeds

Commenting on the effect of regional geo-fencing, Members were informed that Transport for London (TfL) had successfully introduced geo-fencing, the intention was now to progress the issue at a West Yorkshire & City of York harmonisation Working Group.

Members were generally supportive of geo-fencing, but suggested more district working would be welcomed to address cross border working.

Commenting on the perception/ views on cross-border working, officers acknowledge this was a highly divisive issue in the taxi and private hire trade, who were of the view that the law had not kept pace with the modernisation of the taxi/ private hire car industry.

Referring to the implications for licensing authorities, the Taxi & Private Hire Licensing Manager said there was now a lot of pressure on local authorities to ensure vehicles checks were undertaken but this was difficult when drivers were operating outside their registered area, there was a lack of national enforcement powers.

On the issue of enforcement action, Members referred to an unofficial taxi rank to the side of the Leeds Railway Station where private hire vehicles would wait "plying for hire". Members asked what action was been taken to address the issue.

Members were informed that officers carried out enforcement duties within the city centre, the current conviction rate was 10%. It was often the case that after dropping off at the Railway Station, drivers would then wait until they had another fare.

Trade representatives in attendance at the meeting and invited to speak by the Chair said, the taxi/ private hire fleet had increased substantially over the years, there was now a need for more enforcement officers which should be funded via the licence fees.

Referring to operational control the Chair asked if other authorities were looking to address cross-border issues.

Members were informed that large authorities with a Mayor were seeking to develop the same licensing regime.

Commenting on the issue of “more forensic check of journey records of out of town vehicles” the Taxi & Private Hire Licensing Manager said such information was difficult to obtain and also it was difficult to know if it was accurate.

Additional conditions on app based operators – Members were informed that such conditions would allow customers to preference a local driver, but it was understood there was little interest from members of the public.

The Chair thanked Members, the Trade and officers for their contributions, suggesting further updates on cross-border working would be provided in due course.

RESOLVED –

- (i) To note the current position on cross-border working as observed in Leeds, including vehicles not licensed in Leeds and recorded by the council as likely to be working in Leeds, and others licensed in Leeds but likely to be working elsewhere.
- (ii) To note the range of responses which are available to different areas of government, and to the trade itself, including additional licensing conditions, in the absence of UK legislation.

66 Taxi and Private Hire Licensing - Update on West Yorkshire & City of York authorities' Policy Harmonisation

The Chief Officer, Elections and Regulatory submitted a report which provided an update on the purpose and progress of the taxi and private hire policy harmonisation across the six authorities.

The Taxi & Private Hire Licensing Manager explained that the primary aim of the West Yorkshire and City of York authorities was to increase or strengthen the standards of some authorities to meet an agreed minimum standard, so that there was no weak licensing link in the region, which would affect passengers throughout the region because of the prevalence of cross-border journeys and cross border working.

Members were informed it would still be possible for an authority to have standards above the minimum, for example where local circumstances required, but all authorities would be at or above the agreed minimum standard for:

- CCTV in vehicles;

- Convictions policy;
- Vehicle specifications;
- Driver training;
- Information sharing between authorities; and
- Effective cross-border enforcement.

Section 3.10 of the submitted report provided an update on each of the above areas Referring to CCTV in vehicles, Members queried if drivers were supportive of the scheme.

The Taxi & Private Hire Licensing Manager said the use of CCTV in vehicles was welcomed by both drivers and operators. There were a number of issues to be addressed around funding of the equipment and a preferred supplier of the equipment was still to be identified.

On the issue of the Convictions/ Suitability Policy Members were informed that all six authorities have now agreed to implement very similar Suitability and Convictions policies, based on that developed by the Institute of Licensing, Lawyers for Local Government, National Association of Licensing and Enforcement Officers. Five authorities consulted between November 2018 and January 2019, and developed a policy which departed from the national policy guidance. Bradford City Council did not undertake consultation, but engaged with the local licensed trade, and its February 2019 Regulatory Committee in January 2019 planned to adopt the policy for new applicants, but amended paragraph 17 to state would not apply it at renewal. Calderdale, Kirklees, Wakefield and York adopted the new policy between May and September 2019. Leeds adopted the policy, with a number of additions in October 2019.

Members were informed that work on Vehicle Comfort and Passenger Safety was ongoing but more work was required. It was reported that significant work had been undertaken to identify those elements in each of the six authority vehicle specifications which relate to safety and passenger comfort including the vehicle testing regimes and to assess the feasibility of harmonising them.

The Taxi & Private Hire Licensing Manager reported that a draft Driver Training Policy was agreed across the area to include requirements to undertake training in a range of areas including tests as necessary (for example, an English Test). Five of the six authorities agreed to go out to consultation on the draft policy. The consultation exercises concluded in January 2019. The responses have been considered collectively and appropriate amendments made. The final policy were considered by the five Councils between March and July 2019 for adoption for new drivers on 1st September 2019 and for drivers on renewal from a date to be determined in 2020.

In respect of Information Sharing Members noted that all six authorities were regularly sharing information; enforcement action, investigating complaints, and

concerns about previously refused and revoked drivers. All six Authorities were expected to sign up to the new National Register (NR3) which holds information of all refusals and revocations of taxi and private hire driver licences.

On the issue of Cross Border Enforcement, Members noted that all six authorities amended their constitutions to authorise enforcement officers from the other authorities to take some action against their own drivers and vehicles. This authorisation falls short of the national enforcement powers recommended in the 2018 Task and Finish group report (which specified that an enforcement officer could take full enforcement action against any licensed vehicle or driver anywhere in the UK),

In terms of future regional co-operation and collaboration, Members were informed that the Statutory Guidance on Taxi and Private Hire Vehicle Licensing: Protecting Users, which was consulted upon by the Department for Transport between February and April 2019 was likely to be issued in the new year.

Members welcomed the update on the Policy Harmonisation, commenting that this was an important issue which was all about passenger safety, the harmonisation process had been ongoing for some considerable time now and was important that it soon reaches conclusion, had a timescale for its conclusion been identified yet.

In responding the Taxi & Private Hire Licensing Manager said Leeds had led in progressing the matter but it required the support of other authorities to bring the issue to conclusion.

RESOLVED –

- (i) To note the objectives and progress made on policy harmonisation in West Yorkshire and City of York Authorities
- (ii) To note the remaining objectives and possible future areas of co-operation, collaboration and implications for the work programme, finance and resources

67 Licensing Committee Work Programme

Following discussion at today's meeting, it was agreed that the De-Brief Report for the Leeds Festival 2019 Event scheduled to be submitted to the January meeting of this Committee be now brought forward to the December meeting.

RESOLVED – That with the inclusion of the above, the Licensing Committee Work Programme be approved

68 Date and Time of Next Meeting

RESOLVED - That the next meeting of the Committee arranged for Tuesday, 10th December be now rescheduled to Tuesday, 3rd December 2019 at 10.00am in the Civic Hall, Leeds.

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Report of the Taxi & Private Hire Licensing Manager

Report to the Licensing Committee

Date: 3 December 2019

Subject: Taxi and Private Hire Licensing – results of CCTV Working Group

Are specific electoral Wards affected?	☐ Yes	☒ No
If relevant, name(s) of Ward(s):		
Are there implications for equality and diversity and cohesion and integration?	☐ Yes	☒ No
Is the decision eligible for Call-In?	☐ Yes	☒ No
Does the report contain confidential or exempt information?	☐ Yes	☒ No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

1. Summary of main issues

Members of the Licensing Committee are asked to read and consider a report on the findings of the recent CCTV Working Group, and draft CCTV Policy for Taxi and Private Hire Vehicles.

The council has encouraged the use of CCTV in taxi and private hire vehicles since 2007. However, the majority of the companies on the council's approved list of CCTV installers have left the industry, and an up to date CCTV policy is needed. The report highlights the findings of the working group and suggests areas for consultation on a new CCTV policy.

Recommendations

1. That committee members note the purpose and content of the information in this report.
2. That members make specific recommendations for areas to be consulted upon in the development of a new CCTV policy for taxi and private hire vehicles.

1.0 Purpose of this report

- 1.1 To provide a summary of the findings of the recent CCTV working group established after the August committee meeting.
- 1.2 To inform committee members of the likely content of a draft CCTV policy and to highlight areas which will need to be considered in consultation with the trade, general public and neighbouring authorities.

2.0 Background information

- 2.1 At the August Licensing Committee, members established a CCTV working group to consider a range of issues in developing and implementing a new CCTV policy for taxi and private hire vehicles in Leeds.
- 2.2 The working group met four times in September to November 2019. The terms of reference for the working group are attached at **Appendix 1**, and a list of members of the working group and people, and individuals providing information to the working group are attached at **Appendix 2**.

3.0 Main issues

- 3.1 The working group discussed a range of issues, in four main areas.
 - Aims and objectives of CCTV in taxi and private hire vehicles;
 - Passenger and driver safety priorities and perceptions;
 - Privacy concerns and compliance requirements; and
 - CCTV policy, specifications, and practical concerns
- 3.2 The following sections consider each issue in turn.

Aims and objectives of CCTV in taxi and private hire vehicles

- 3.3 The working group established that there was a significant level of consensus among various bodies and stakeholders, particularly passenger groups, taxi and private hire trade, central and local government, that encouraging voluntary, and in some case mandatory, CCTV in taxi and private hire vehicles was a positive enhancement to public confidence, passenger safety and driver safety.
- 3.4 The working group heard that various central government group recommendations are in favour of CCTV in licensed vehicles (including the Department for Transport Task and Finish Group on Taxi and Private Hire, 2018, and the DfT Statutory Guidance in 2019). The working group also heard that CCTV in vehicles was a regional policy priority for the West Yorkshire & City of York authority group.

Passenger and driver safety priorities and perceptions

- 3.5 The working group heard from a range of UK information indicating the general public was in favour of CCTV in vehicles, and that CCTV would deter some violence, anti social, dishonest or inappropriate behaviour, and would also help detect such behaviour if it was reported. The group heard a brief Leeds Live poll in August 2019 revealed a 70:30 vote in favour of CCTV.

- 3.6 The group also heard that generally drivers, operators and associations were in favour of CCTV in vehicles, that drivers felt safer, and less likely to be the victim of violence or malicious allegations. Some drivers had reported getting increased bookings from customers after they had fitted CCTV. Some driver groups had drawn attention to the cost of CCTV in some licensing areas, but the prevailing view was overwhelmingly in favour, especially if ways could be found to continue to subsidise part of the cost of installation of CCTV. One contributor to the group suggested that when CCTV was made compulsory in Rotherham, many drivers had initially been sceptical of the benefits, but were now very positive about the safety benefits of CCTV.

Privacy concerns and compliance requirements

- 3.7 The working group heard that the Information Commissioner's Office (ICO) and Surveillance Commissioner has broadly advised authorities against mandatory CCTV in vehicles, unless strong evidence is provided stating how mandatory CCTV addresses safety risks. The ICO has provided a range of guidance to licensing authorities considering CCTV policies, summarised as follows:
- Development of a CCTV policy should be accompanied by a Privacy Impact Assessment, setting out the reasons for making CCTV recordings, the various privacy risks and methods of managing those risks;
 - CCTV in licensed vehicles is invasive and all passengers need to be advised where CCTV is in use;
 - CCTV should be capable of being turned off while the vehicle is not used as a taxi or private hire, and should be turned on when in use;
 - Audio recordings should only be made when a 'panic' or alert' button is pressed, by driver or passenger;
 - CCTV footage to be retained on the hard drive for the vehicle for a minimum of 31 days; and
 - CCTV video and audio recordings to be retained, stored and disposed of in accordance with clearly stated procedures.
- 3.8 The working group also heard from one contributor to the group of the benefit in stating very clearly in the policy the minimum standard of equipment, the list of preferred suppliers, and the data controller responsibilities.

CCTV policy, specifications and practical concerns

- 3.9 A draft CCTV policy is attached at **Appendix C**. The draft policy would need to be consulted upon, and all objections or comments responded to.
- 3.10 The draft CCTV policy includes technical guidance for licence holders about the standard of CCTV system that will need to be fitted in order to comply with the policy. It includes a specification for the quality of video and audio, data control requirements and retention periods.
- 3.11 In order to have practical effect, the final policy, following consultation, will also need to be supported by two other policies or arrangements. First, once the CCTV system specification is finalised, the council will need to establish a preferred supplier list. Only companies on the list will be authorised to install or maintain CCTV equipment, and the council will only have equipment such as decryption software for those companies' CCTV systems. Second, the council will need to

develop a policy and explore funding options if the recent offer of subsidising £250 (around half of the estimated cost of CCTV system) is to be continued for Leeds licence holders.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 It is proposed that new consultation take place, in Leeds, and if possible in neighbouring councils about the standard of CCTV system, and supporting arrangements.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no implications for equality and diversity /cohesion and integration.

4.3 Council Policies and City Priorities

- 4.3.1 The council's Taxi and Private Hire Licensing is in line with the following council priorities and policies.

Best Council Plan

- 4.3.2 The council's licensing policies contribute towards the following Best Council Plan objectives:

- Keeping people safe from harm, protecting the most vulnerable.
- Improving access to affordable, safe, and reliable connected transport for young people.

Climate Emergency

- 4.3.3 Taxi and Private Hire Licensing also contributes towards the following Climate Emergency priority in the Council Plan:

- Improving air quality, reducing noise and emissions.

- 4.3.4 Leeds City Council has both a moral and legal obligation to discharge its duty of care in respect of children and vulnerable adults across all of its services. This cannot be achieved by any single service or agency. Safeguarding is ultimately the responsibility of all of us and depends on the everyday vigilance of staff who play a part in the lives of children or adults at risk of harm.

5.0 Resources and Value for Money

- 5.1 It is likely that adopting a new CCTV policy in itself may not have an impact on public or driver safety or on resources and value for money. If the new policy resulted in much more widespread installation and use of CCTV, there are two areas of concern about resources and value for money.
- 5.2 In recent years, Safer Leeds has established a fund where licence holders can claim £250 of the cost of fitting a compliant CCTV system. The council has sufficient funds remaining to fund installation of a further 50 CCTV systems, but it is unlikely for the council to be able to secure one funding source for 5000 vehicles costing £1.25m.

Clearly, the consultation will generate some interest, and may give an indication of the level of take up with or without a subsidy.

- 5.3 It is also likely that, having encouraged CCTV to be used more widely in vehicles in Leeds, this will lead to an increase in taxi and private hire licensing workloads in checking CCTV installation and requests for CCTV footage, as the council, not the driver or operator will be the data controller for the CCTV systems.

6. Legal Implications, Access to Information and Call In

- 6.1 The consultation on the draft CCTV policy may raise legal implications, or requests for further information. The council may seek legal advice on the responses, however it is not expected to be challenging if the policy maintains the council's approach to CCTV being voluntary, rather than mandatory.

7. Risk Management

- 7.1 The council has a taxi and private hire risk on its risk register relating to the risk of harm coming to a person in Leeds using a taxi or private hire vehicle not licensed by Leeds City Council. The council is the responsible organisation for regulating the taxi and private hire industry so that people in Leeds using taxi and private hire vehicles are safe and feel safe. The current assessment of the control of the risk is 'Good', but it is unlikely that the assessment would be more positive until national licensing and enforcement powers and IT systems are in place.
- 7.2 Having more widespread use of CCTV in taxi and private hire vehicles may act to deter some violence, anti social, dishonest or inappropriate behaviour, and would also help detect such behaviour if it was reported. It will not, however, prevent such behaviour from taking place.

8. Conclusion

- 8.1 There is a degree of consensus, in Leeds and in the UK, that more widespread use of CCTV could act to make passengers and drivers feel safe in taxi and private hire vehicles. CCTV remains intrusive, however, so there needs to be clear guidance and safeguards about how CCTV should be used.
- 8.2 The council has tasked a working group to consider the safety, privacy and practical aspects of a new CCTV policy for Leeds. The report has outlined the main findings of the CCTV working group, and shared for discussion and subsequent consultation a draft CCTV policy in line with national guidance.

9. Recommendations

- 9.1 That committee members note the purpose and content of the information in this report.

- 9.2 That members make specific recommendations for areas to be consulted upon in the development of a new CCTV policy for taxi and private hire vehicles.

Additional documents:

Taxi & Private Hire Licensing – Proposed working group on CCTV in taxi and private hire vehicles, report to Licensing Committee, August 2019

<https://democracy.leeds.gov.uk/documents/g9676/Public%20reports%20pack%2013th-Aug-2019%2010.30%20Licensing%20Committee.pdf?T=10>

Local Government Association – guidance on developing a mandatory approach to CCTV in taxi and private hire, January 2019

<https://www.local.gov.uk/developing-approach-mandatory-cctv-taxis-and-phvs>

Department of Transport: Taxi and Private Hire Vehicle Licensing: Protecting Users, Statutory Guidance for Licensing Authorities, February 2019:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/778276/taxi-phv-licensing-protecting-users-draft-stat-guidance.pdf

Task and Finish Group for DfT, Taxi and Private Hire Vehicle Licensing: Steps towards a safer and more robust system, September 2018:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/784216/taxi-phv-licensing-protecting-users-draft-stat-guidance.pdf

Surveillance Commissioner - Surveillance Camera Code of Practice, 2014

<https://www.gov.uk/government/publications/surveillance-camera-code-of-practice>

Information Commissioner: In the picture: A data protection code of practice for surveillance cameras and personal information, 2017

<https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>

Appendix 1 CCTV Working Group Terms of Reference

Appendix 2 CCTV Working Group members and list of people attending working group meetings

July 2019

1. Purpose

1.1. Following recent discussions at Leeds City Council's Licensing Committee, an informal working group has been established to consider the policy for and practical administration of CCTV in taxis and private hire vehicles licensed by Leeds City Council.

2. Objectives

2.1. The working group is tasked with considering evidence relating to the policies for CCTV in taxis and private hire vehicles, as set out in statutory guidance by the Department for Transport, and making recommendations for actions to address any priority issues identified. Specifically:

- Understanding the main factors supporting or driving use of CCTV in taxis and private hire vehicles (concerns of travelling public, drivers, licensing authorities, police);
- Considering the privacy risks and implications of installing CCTV in taxis and private hire vehicles (case studies and examples from recent licensing authorities);
- Developing a common and consistent approach to CCTV in vehicles in W Yorks and York;
- Hearing the experience of CCTV installers, maintainers and data controllers, in particular, the adequacy of measures in the licensing system to address those issues;
- Making specific and prioritised recommendations, policy and administrative, for action to address identified and evidenced issues, such as:
 - Whether taxi and private hire vehicles should have mandatory or voluntary CCTV?
 - Audio recording in taxis and private hire, e.g. after a panic button has been pressed?
 - Approved list of CCTV installers?
 - Who should be the data controller?
 - Financial arrangements, e.g. cost of CCTV camera installation, cost of securing CCTV footage on request?
 - Impact of any of the changes on any other taxi and private hire licensing policies and operations?

2.2. The group should provide a concise report summarising its findings to the chair of Licensing Committee and Taxi within 1 month of the final meeting and, subject to its conclusions, including:

- Recommended policy; and
- Recommended guidance (e.g. implementation, data controller).

3. Membership

3.1. We want to ensure that a broad range of views are sought, including from a sub group (min 3) of members of Licensing Committee, passengers, from both sides (taxi/private hire) of the trade, from licensing or enforcement officers, from CCTV installers, from other licensing authorities, Parliamentarians and passengers.

3.2. The working group will therefore be comprised of:

- A Chair, who is a member of the Licensing Committee;
- A minimum of two other members of Licensing Committee;
- Taxi and Private Hire Licensing Manager;

- A maximum of three people representing passengers;
- A representative of the council's Information Management team;
- A maximum of six people representing drivers, proprietors and operators (three taxi, three private hire); and
- A maximum of three people representing licensing and enforcement;

3.3 The group will also invite evidence and input from other interested and expert parties, who will not be formal members of the group, such as:

- Officers from other licensing authorities;
- CCTV installers; and
- Other expert witnesses as may be identified.

3.4. One officer from taxi and private hire licensing will attend to provide minutes and action point support to the group.

4. Governance

4.1. These Terms of Reference will be finalised in correspondence and agreed formally during the first meeting of the working group. Any proposed changes should be sent to the Chair of Licensing Committee for consideration at least a week before the first meeting, and are subject to mutual agreement between the group and the chair of Licensing Committee.

4.2. The group may hold up to five meetings before its summary document is issued.

4.3. The final version of the summary document must be issued within one month of the group's final meeting.

4.4. The group will aim to reach a consensus view, but where that is not possible, differences of view will be recorded in the summary document.

4.5. Meetings will normally be held at Leeds Civic Hall.

4.6. Meeting papers will be issued electronically at least three working days prior to each meeting.

CCTV Working Group attendees

LCC Councillors

Cllr Paul Wray
Cllr Hannah Bithell
Cllr Abigail Marshall-Katung

LCC Officers

Andrew White, Taxi & Private Hire Licensing Manager
Alison Calvert, Licensing Support Officer, Taxi & Private Hire Licensing
Graham Berwick, Service Development Officer, Taxi & Private Hire Licensing
Martino DePlacido, Operations Manager, Taxi & Private Hire Licensing
Cheryl Fixter, Compliance Officer, Leedswatch
Neil Platts, Compliance Manager, Leedswatch
Mandy Dobson, Principal Information Governance Officer, IM & G
Richard Brook, Senior Information Governance Officer, IM & G
Martin Clarke, CCTV Technical Manager, Leedswatch
Shaun Travis, Technical Compliance Officer, Leedswatch

Other attendees

Mike Utting, Chairman, Streamline/Telecabs
Andy Howard, Streamline/Telecabs
Javid Akhtar, City Cabs member
Ghulam Nabi, Eurocabs
Kamran Khan, City Cabs
Vaseem Akhtar, Unite the Union – Chair
Ahmad Hussain, lphdo
Adil Hamid, lphdo
David Lawrie, Safe Systems CCTV Ltd
Chris Burnett, Wakefield City Council

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Draft policy on the use of CCTV in taxi and private hire vehicles

Taxi and Private Hire Licensing



Leeds
CITY COUNCIL

Change History

Andrew White	11/11/2019	V0.1
Andrew White	13/11/2019	V0.2

NB: Draft versions 0.1 - final published versions 1.0

Consultees

Martino Deplacido	11/11/2019	
Valens Jacobs	11/11/2019	
Andrew White	11/11/2019	
Mandy Dobson	11/11/2019	
Richard Brook	11/11/2019	
Alison Calvert	11/11/2019	
Mary O'Shea	13/11/2019	
Robert Brown	13/11/2019	

Distribution List

Cllr Ben Garner	13/11/2019	
Cllr James Lewis	13/11/2019	
John Mulcahy	13/11/2019	

Links to other documents

Additional Comments to note

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DRAFT

1.0 Introduction

- 1.1** These guidelines set out to ensure that CCTV systems installed in Hackney Carriage (taxis) and private hire vehicles (PHVs) licensed by Leeds City Council are properly managed whilst being used to prevent and detect crime; and enhance the health, safety and security of both Taxi/PHV drivers and passengers.
- 1.2** Vehicle owners, who may also be the driver and/or operator, installing CCTV systems must fully comply with the requirements set out in these guidelines.
- 1.3** For the purposes of these guidelines the term 'CCTV system' will include any electronic recording device attached to the *inside* of vehicle having the technical capability of capturing and retaining visual images and audio recording from inside the vehicle.
- 1.4** This policy specifies that CCTV installed in taxis and PHVs will be:
- Voluntary (i.e. not compulsory);
 - Advertised through the use of signs to alert passengers that video will and audio may be recorded;
 - Installed by a provider from a list of providers approved by Leeds City Council;
 - Continual camera recording while the vehicle is used as a taxi or PHV;(not when the vehicle is being used by the taxi driver for their own purposes)
 - Audio recording only when an 'alert' button is pressed by either the customer or the driver;
 - Recordings retained for a stated period; and
 - Recordings used for a stated purpose and by designated persons.

2.0 Scope

- 2.1** This policy covers how Leeds City Council will specify the use of CCTV in taxi and PHVs, and how the council, drivers and owners will comply with data protection requirements.
- 2.2** Leeds City Council considers that appropriately fitted and maintained CCTV, when operated in accordance with this guidance, can contribute towards a safer environment for the travelling public and for taxi and PHV drivers. The council recognizes that CCTV in taxi and PHVs could be considered intrusive and requires justification.

- 2.3** This policy encourages the use of CCTV in taxis and PHVs licensed by Leeds City Council, but does not make it a mandatory requirement for taxi and PHVs to have CCTV, only for the CCTV equipment to meet the council's requirements. The absence of CCTV in a taxi or PHV does not indicate that the owner of the vehicle has failed to pay attention to passenger or driver safety.

3.0 CCTV Policy

3.1 The purpose of CCTV in licensed vehicles

The purpose of the CCTV system shall be to provide a safer environment for the benefit of taxi/PHV passengers and drivers, by:

- Deterring and preventing the occurrence of crime;
- Reducing the fear of crime;
- Assisting the Police in investigating incidents of crime; and
- For the health and safety of the drivers and passengers

3.2 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 and approved by Leeds City Council can be installed into licensed taxi and private hire vehicles.

CCTV systems installed in taxis and PHVs will be inspected prior to use and as part of any vehicle 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 must comply with the requirements of the <https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.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.

3.3 Automotive Electromagnetic Compatibility Requirements (EMC)

CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, card payment device 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.

3.4 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.

3.5 Installation

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

Each CCTV installation will be subject to the conditions of vehicle licensing as set out in the taxi and PHV conditions. 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 driver's 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, such as autonomous braking 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 are not 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/ 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.

3.6 Camera Activation Methods

The camera must be activated whenever the vehicle is being used as a taxi or PHV. It is a requirement of this policy that the camera is not to be activated when the vehicle is not being used as a taxi or PHV.

Activation of the equipment may be via a number and combination of options, including:

- On/off switches under the bonnet or in the boot; and
- Driver's and passenger's 'alert' button(with regards to audio).

3.7 Audio Recording

CCTV systems recording audio must only be used in exceptional circumstances, for example where there is a risk to either the passengers or drivers safety. It would not be used to record routine conversations between members of the public, as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. Vehicle owners must choose a system equipped with the capability to record sound, but this functionality should not be enabled as default setting.

There are limited circumstances in which audio recording may be justified , for example in response to a threat to an individual's personal safety, in this instance it would be reasonable for either the

driver or passenger to activate the 'alert button', e.g. in response to a threat of physical violence. 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 (e.g. 5 minutes) and should be declared at the time of submission for approval of the equipment.

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

3.8 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. All images will only be reviewed by the data controller (Leeds City Council) via a secure network. The Information Commissioner's Office has published guidance on how to keep personal data secure (including personal data contained in CCTV images), on their website.

3.9 Retention of CCTV images

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

- within its own secure, encrypted hard drive;
- 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. Data may be retained for longer periods in exceptional circumstances, i.e. criminal investigations etc. However, once a relevant case is concluded all data must be deleted.

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

3.10 Data controller and data processor

The Information Commissioner's Office (ICO) is the official regulatory body responsible for enforcing compliance with privacy and data protection legislation.

The law defines a 'data controller' as the individual or organisation which has ultimate responsibility for how personal data is collected and processed. This policy states that the data controller will be Leeds City Council. The data controller is ultimately responsible for how the images are stored and used and determines in what circumstances the images should be disclosed.

Where a service provider is authorised for the remote storage and/or management 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.

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.

3.11 Using recorded CCTV images

The data controller and data processor are responsible for complying with all relevant data protection legislation.

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

Data will only ever be downloaded in exceptional circumstances, where a legal base exist under the data protection legislation, for example:

- a) where a crime report has been made involving the specific vehicle and the Police have formally requested that data or,
- b) when a substantive complaint has been made to the licensing authority regarding a specific vehicle / driver and that complaint is evidenced in writing (and cannot be resolved in any other way),
- c) where a Data request is received from an applicant e.g. police or social services, that has a legal basis to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver.
- d) Subject Access Request compliant with the GDPR.

The data controller is responsible for responding to these requests in

accordance with the law. Police or other law enforcement agencies should produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively a signed statement may be accepted.

All requests (except in the case of Vital Interests and/or safeguarding matters) should only be accepted where they are in writing, and specify the reasons why disclosure is required.

Under the data protection legislation, 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 should only be accepted where the data controller has sufficient proof of identity (which may include a photograph to confirm they are in fact the person in the recording). More guidance on handling Subject Access requests can be found in the ICO's <https://ico.org.uk/media/2259722/subject-access-code-of-practice.pdf>, which is available on their website.

Additional paragraph on mixed personal data from IG.

3.12 Signs

All taxis and PHVs fitted with a CCTV system must display the sign shown below in a prominent position. The driver may also verbally bring to the attention of the passengers that CCTV equipment is in operation within the vehicle, where required (for example where people may have visual impairments and or hearing difficulties) if it is felt necessary or appropriate. The sign 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.

Signs are available for collection from The Taxi and Private Hire Licensing office. Please see below.



CCTV in operation

This vehicle is protected by CCTV in the interests of public safety, crime detection and crime prevention

Audio recording may also be made in the event of an incident



Leeds
CITY COUNCIL

The CCTV has been installed in accordance with the CCTV policy of Leeds City Council

[0113 3781570](tel:01133781570)

www.leeds.gov.uk/taxis

4.0 Application of the policy

To assist individual drivers, owners, and operators who are considering the installation of a CCTV system, Leeds City Council has produced the summary checklist below to help ensure that all of the relevant approval requirements/standards are complied with.

Existing CCTV equipment (installed before CCTV policy)

Tick box	CCTV equipment to be removed if any of the below are not compliant
☐	CCTV signs in place
☐	Camera meets Leeds City Council specification
☐	Installation meets Leeds City Council specification
☐	Storage method meets Leeds City Council specification
☐	Alert button and audio setting meets Leeds City Council specification
☐	Retention period meets Leeds City Council specification
☐	Leeds City Council has access to stored data

New CCTV

Tick box	CCTV signs in place
	CCTV installer on Leeds City Council preferred supplier list
	Camera meets Leeds City Council specification
	Installation meets Leeds City Council specification
	Storage method meets Leeds City Council specification
	Alert button and audio setting meets Leeds City Council specification
	Retention period meets Leeds City Council specification
	Leeds City Council has access to stored data

5.0 Technical Specification

In order to be considered suitable for installation in a Leeds City Council Licensed vehicle, a camera system must meet the following requirements:

1.0 Operational Technical Specifications		
Reference	Specification	Details
1.1	100% solid state design or a proven vibration and shock resistant system	The system should not have any fan and the recording should be vibration and shock proof, i.e.: - Hard disk with both mechanical anti-vibration and anti-shock mechanism and self-recovery and self-check file writing system.
1.2	8 to 15 Volts DC	Operational between 8 and 15 volts DC

1.3	Reverse polarity protected	System to be protected against reverse voltage.
1.4	Short circuit prevention	System to be protected against short circuits
1.5	Over voltage protection	System to be protected against high voltage transients likely to be encountered in the vehicle electrical system.
1.6	Automotive Electromagnetic Compatibility Requirements	The in-vehicle taxi camera system must be compliant with the Council Directives: - 2004/108/EC on Electromagnetic Compatibility (CISPR 22/EN55022), - 2004/104/EC on Radio Interference (sections 6.5, 6.6, 6.8 and 6.9) The taxi camera equipment should therefore be e-marked or CE-marked with confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles.
1.7	System activation (on / off) switch to be located in a position where it is not accessible from inside the vehicle (i.e. in the boot / engine compartment).	The system is required to be active at all times that the vehicle is being used as a licensed vehicle. This will allow the facility for the system to be deactivated during times when the vehicle is being used for private purposes (e.g. domestic use). The switch that deactivates the system must be located within the vehicles boot or engine compartment (i.e. it must only be possible to deactivate the system from outside of the vehicle).
1.8	First-in/first-out buffer recording principle	
1.9	Built-in, automatic logging of all access actions, including date and	

	personnel names	
1.10	Security, duration and auto-clearing of log files	
1.11	Image export formats and media	Images must be exported in commercially available formats.
1.12	Image protection during power disruption	Images must be preserved in the event of loss of power. Battery back-up will not be permitted
1.13	Unit must operate without the ignition being turned on.	The Unit must have the ability to operate for at least 30 minutes without power from the ignition.
1.14	Image and audio data shall be recorded and stored in a unit separate from the camera head.	
1.15	The system must be capable of recording audio time synchronized to the recorded images.	
1.16	The system shall not record audio except when audio recording is activated by means of an approved trigger.	The system should have the ability to start recording audio data by means of at least two trigger buttons (see also 1.26 below). One trigger button must be capable of being activated by the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The second activation of the trigger must result in the cessation of audio recording. The second trigger button must be capable of being activated by the passengers in the vehicle independently of the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is

		activated again. The second activation of the trigger must result in the cessation of audio recording. Both audio activation triggers must be independent of each other – this means that audio recording can only be deactivated by means of the same trigger (driver or passenger) that was used to activate the audio recording.
1.17	Digital sampling of the audio signal must exceed 8KHz	
1.18	Digital resolution of the audio samples must exceed 10 bits.	
1.19	The audio microphone shall be integrated within the camera head.	
1.20	Audio data and image data must be stored together, not in separate files, and must be protected against unauthorised access or tampering.	
1.21	The system must support testing of the audio function for installation set-up and inspection purposes.	
1.22	The system must be capable of immediate reactivation if it has a 'sleep mode'.	
1.23	Only live Images recorded shall be seen on the system, recorded images shall not be displayed within the vehicle.	

1.24	The system must have at least two activation triggers (alert buttons).	One of the triggers / alert buttons must be capable of being operated by the driver – this must be independent of the audio recording activation ('alert') button. At least one trigger must be capable of being operated by a passenger from any passenger seat in the vehicle.
1.25	The system must include a visual indicator that will clearly show when audio recording is taking place. This indicator must be visible to all passengers within the vehicle.	This may take the form of an indicator LED built into the audio activation switch, or a remote LED that can clearly be seen by passengers.

2.0 Storage Capacity Technical Specification

Reference	Specification	Details
2.1	Minimum of 31 of recording capacity	The camera system must be capable of recording and storing a minimum of 31 days of images of HD1 (720/318) size or better.

3.0 Camera Head Technical Specification

Reference	Specification	Details
3.1	Camera installation non-obstructive	The camera and all system components shall be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.
3.2	Protected camera disconnect	The camera head shall be designed to disconnect for ease of removal and replacement by maintenance personnel.

3.3	Special tools for adjustment/removal	To prevent inappropriate interference only tools supplied to authorised fitters should be capable of carrying out adjustments or removal.
3.4	Field of view to capture all passengers in the vehicle	The lens of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must be of a style not to create a "fishbowl" effect.
3.5	Images must be clear in all lighting conditions	System to provide clear images in bright sunshine, shade, dark and total darkness. Also, when strong back light is present.
3.6	Compatible for use in vehicles with a partition (shield)	The camera system must be adaptable to provide clear images when a vehicle is equipped with a shield. This may be accomplished with the use of multiple camera heads.
3.7	Multiple cameras	The unit shall be capable of supporting up to four (4) cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose built vehicles

4.0 Storage Device (Recorder) Technical Specification		
Reference	Specification	Details
4.1	Impact and shock resistance	The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.
4.2	Controller in concealed location	The storage unit shall be concealed from view and effectively inaccessible except by authorised personnel.
4.3	Download port provision	The recorder shall be equipped with a communication port for

		downloading by authorised personnel.
4.4	Download port shall be located in an easily accessible location, such as a glove compartment.	The recorder download port shall be located in the glove box if practicable, if not, then in a location that does not require the removal of panels and is accessible.
4.5	Download port cable length (1 foot minimum)	Download port shall be at least one foot in length for ease of download.
4.6	Recorder to be securely affixed to the vehicle	
4.7	The system should have audio capability to monitor each user access	
4.8	The system should have the capability to register camera system parameter modifications	
4.9	The system should have the capability to register each image download session	
4.10	The system will have the capacity to register modification/manipulation of downloaded images	
4.11	The system will have the capacity to register exporting of downloaded images	
4.12	The system will have the capacity to register exporting of downloaded clips	
4.13	The system will have the capacity to file protected against unauthorised access	
4.14	Time/date stamp	All stored images must be time and date stamped.
4.15	Vehicle ID number stamp	All stored images must have two fields for vehicle identification (VIN & number plate).
4.16	Vehicle non-modifiable ID code stamp	Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the vehicle that was used to record the image.

4.17	Vehicle (Storage Recorder)	Manufacturer to supply Leeds City Council with a supply of specialised tools to allow for removal of the storage device and download of data when required.
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5.0 Specifications for video and audio recording rate		
Reference	Specification	Details
5.1	Footage recording on system activation (when audio is not activated).	The system shall record footage at the rate of at least four images per second.
5.2	Image recording when audio is activated.	The system shall record images at the rate of twenty five images per second during periods when audio recording is activated (either due to time requirement, or through activation by the driver or passenger alert buttons).
5.3	When activated, audio recording must be in real time and synchronised with the video recording.	
5.4	System to continue to record images (and audio when applicable) when engine is off.	System must continue to record images (and audio when applicable) for 30 minutes after engine / ignition is switched off.

6.0 Specification for activation via driver or passenger alert buttons		
Reference	Specification	Details
6.1	The activation of a trigger button must provide for overwrite-protected image storage when activated by driver or passenger.	The system must be fitted with at least two trigger buttons that once activated will trigger the protected recording of audio and video (see also 1.17 and 1.26 above).
6.2	Emergency image overwrite protection capability	Image sequences resulting from activation shall be recorded in an area of memory which is protected from being overwritten
6.3	Overwrite protection capacity for at least 3	

	activations	
6.4	Overwrite protection self-clear on 96 hr timer	

7.0 Downloading Technical Specification		
Reference	Specification	Details
7.1	Time to download complete memory not to exceed 30 minutes	
7.2	Provision of necessary software, cables, security keys to Leeds City Council Taxi and Private Hire Licensing Team.	
7.3	Compatible with LCC systems.	
7.4	Downloaded images stored in non-volatile media	
7.5	Downloaded images stored in secure format	
7.6	Verifiable image authenticity	Each image of footage shall be stamped with vehicle ID and vehicle ID and be tamperproof.
7.7	Provision of technical support to Leeds city council Licensing team when necessary.	To assist in accessing system in case of damage to the vehicle or to the system in case of accident within 1 hour during normal working hours and within 8 hours otherwise.
7.8	Wireless Download Prohibited	Unit must not allow for wireless downloads. All wireless hardware to be disabled.
7.9	Filter the specific images for events and times for the approximate time of the crime committed.	

8.0 Requirements in relation to System Information		
Reference	Specification	Details
8.1	The supplier will provide a service log sheet with each CCTV unit	The provider shall have a service log with the CCTV unit. The provider shall also enclose detailed instructions for the drivers..
8.2	Serial number indication on service log	The unit will be marked with a serial number
8.3	Installation date indication on service log	The provision for the installer to indicate the installation date
8.4	Provision of driver instructions	
8.5	Provision of installation manual to drivers operators	
8.6	Clarity of operating instructions	The system shall be provided with clear and concise operation instructions which are written with due consideration to varying levels of literacy.
8.7	Installation by authorised providers	The unit shall be installed by manufacturer's authorised providers , or other installers approved by the council (subject to agreement with the manufacturer).
8.8	Provision of authorised agents list to Leeds City Council Taxi and Private Hire Licensing Team	The manufacturer shall provide a list of all authorised agents to Leeds City Council Taxi and Private Hire Licensing Team.
8.9	Documentation	The provider must provide clear and concise operating instructions which are written in layman's terms. (Details on how the system records the images)

8.10	Image Protection	All captured images must be protected using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or equivalent.
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9.0 System requirements in relation to Vehicle Inspection Facility – Inspections		
Reference	Specification	Details
9.1	Provision of system status/health indicator	The driver shall have an indicator showing when the system is operational and when there is a malfunction.
9.2	Mounting location of system status/health indicator to be seen by driver only	The indicators shall be mounted/installed for the driver and passengers to see. The indication system must be in accordance with section 9.3 and 9.4 below.
9.3	Additional indicator requirement	Where a system is fitted with an indicator to show that the system is on, it needs to be separate to the audio trigger.
9.4	Designed / installed so as to enable it to be managed by Leeds City Council Taxi and Private Hire Licensing Team (or persons acting on behalf of the council – such as vehicle inspectors)	The system shall be designed and installed such that the system may be easily tested by Leeds City Council Taxi and Private Hire Licensing Team staff to ensure that all features are operating and that images are being recorded as prescribed.

10.0 General System Requirements		
10.1	Vandal and tamper resistance	
10.2	Provision of statement of compliance	In addition to a formal test of all aspects of this requirement specification, a statement of compliance shall be provided and

		signed by the installer.
10.3	Reliability in operational and environmental conditions	The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of taxis.
10.4	Programmability of image timing parameters	It shall be possible to change timing and parameters (e.g. for British Summer Time) without the requirement to change components.
10.5	Training and Technical Support and Equipment	Provider must provide Leeds City Council Taxi and Private Hire Licensing Team with a Training and Technical Manual. Supply a working unit to Leeds City Council Taxi and Private Hire Licensing Team for testing purposes.
10.6	Software and Hardware	Provider to supply Leeds City Council Taxi and Private Hire Licensing Team with a supply of cables and software to be installed under the supervision of the council's authorised staff.
10.7	Agreement between the provider and Leeds City Council Taxi and Private Hire Licensing Team	Agreement to allow Leeds City Council Taxi and Private Hire Licensing Team access to the relevant software from the provider so that in the event the provider goes out of business, council will be able to support the system.

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Report of the Chief Officer Elections and Regulatory

Report to the Licensing Committee

Date: 3rd December 2019

Subject: Premises Licence – Licensing Act 2003
Roundhay Park, Princess Avenue, Roundhay, Leeds
August 2019

Are specific electoral Wards affected?	☒ Yes	☐ No
If relevant, name(s) of Ward(s): Roundhay		
Are there implications for equality and diversity and cohesion and integration?	☐ Yes	☒ No
Is the decision eligible for Call-In?	☐ Yes	☒ No
Does the report contain confidential or exempt information?	☒ Yes	☐ No
Refer to Para 1.3		
Exemption under Access to Information Procedure Rule number: 10.4(3) and 10.4(7)		

1. Main issues

On the 21st May 2019 a variation of the Premises Licence issued to Roundhay Park, was granted by the Licensing Committee. The purpose of the application was to allow licensable activities to be held in the Park for up to a capacity of 79,999 persons.

The licence has been put to use on two consecutive occasions when the Park hosted two large capacity concerts in August 2019.

2. Best Council Plan Implications

The licensing regime contributes to Best City Priorities 2019/20:-

- Culture
- Safe, Strong Communities
- Inclusive Growth

3. Resource implications

No resource implications for the licensing authority are identified.

Recommendations

Members of the Licensing Committee are requested to receive feedback from the licence holder together with details of the action log following the 2019 concerts.

1. Purpose of this Report

- 1.1 This report is to provide Members with details of the action log following the concerts held on the 16th and 17th August 2019.
- 1.2 A representative of the licence holder, Leeds City Council Parks & Countryside, will be in attendance at the meeting, together with a representative of the Safety Advisory Group.
- 1.3 Members may consider it appropriate for the public to be excluded from the meeting to allow the licence holder to provide Members with confidential information associated with the two day event, which will fall under the Access to Information Procedure Rules 10.4(3) as this includes information relating to the financial or business affairs of any particular person; and 10.4 (7), information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime as in all the circumstances of the matter the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2.0 Background Information

- 2.1 Roundhay Park previously held a premises licence for a capacity of upto 19,999 persons.
- 2.2 In March 2019 application was received from the licence holder, Leeds City Council Parks & Countryside, to vary the licence.
- 2.3 The variation sought was to increase the capacity to 79,999 to facilitate large scale events.
- 2.4 At the time of application the licence holder had been approached by an external promoter to stage a concert in the park, which took place over two consecutive occasions, Friday 16th and Saturday 17th August 2019.
- 2.5 The application set out that the planning arrangements would be carried out via the Safety Advisory Group, and there would be measures to reduce impact on residents including the distribution of information and a designated phone line to an onsite officer.
- 2.6 The application did initially attract concerns from responsible authorities, namely the Licensing Authority and Planning Authority (Building Control), having concerns for public safety in the area of the Park known as Hill 60, and the stairway serving this area.
- 2.7 In response the applicant included additional measures in the operating schedule to satisfy the responsible authorities that a specific risk assessment for Hill 60 and the Hill 60 stairway would be supplied to Building Control at least 90 days prior to each event.

- 2.8 In addition remedial works were to be carried out to the Hill 60 stairway.
- 2.9 The application attracted twenty eight individual letters of representation in opposition to the application from members of the public. Such representations set out concerns for the negative impact of large scale events on the local area under the public nuisance, crime and disorder and public safety objectives.
- 2.10 Members were also presented with one letter in support of the application under the prevention of public nuisance objective.
- 2.11 Initially it was considered that the variation application would be for a consecutive two day concert with the intention to vary the licence back to the 19,999 capacity afterwards. However, Members heard that this was no longer the intention as the licence holder would like the option for the Park to be used for future large scale events.
- 2.12 Members agreed to approve the variation and the licence now contains a capacity of 79,999 persons together with conditions requiring a noise management strategy, and a specific risk assessment to be carried out for all events incorporating Hill 60.

3.0 Main Issues

- 3.1 Although the premises licence is held by Leeds City Council Parks & Countryside, the promoter for the 2 day concert was Kilimanjaro Ltd.
- 3.2 Multi agency meetings via the Safety Advisory Group were convened on the lead up to the event, including a table exercise, and a final site visit took place on Thursday 15th August.
- 3.4 It was noted that the stairway to Hill 60 had received attention with extensive repair works carried out, satisfying responsible authority concerns.
- 3.5 All agency comments following the concerts have been collated by the Safety Advisory Group, which appear in the form of an action log and will inform any future events on a similar scale.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The application for the premises licence was subject to the statutory consultation process as prescribed by the Licensing Act 2003.
- 4.1.2 Multi agency liaison is facilitated through Leeds City Council's Safety Advisory Group.

4.2 Equality and Diversity/Cohesion and Integration

- 4.2.1 There are no identified implications for equality and diversity. Any decision taken by the Licensing Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003 and the Council's Statement of Licensing Policy (Licensing Act 2003). At the time of writing this report there were no implications for equality and diversity.

4.3 Council Policies and City Priorities

4.3.1 Through the promotion of the four statutory licensing objectives:

- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of children from harm, and
- Public Safety.

the Statement of Licensing Policy 2019-2023, and partnership working the licensing regime contributes to the Best City Priorities 2019/20:-

Culture

- Enhancing the image of Leeds through major events and attractions
- Ensuring that culture can be created and experienced by anyone

Safe, Strong Communities

- Tackling crime and antisocial behaviour
- Promoting community respect and resilience

Inclusive Growth

- Supporting growth and investment, helping everyone benefit from the economy to their full potential
- Supporting business and residents to improve skills, helping people into work and into better jobs

4.4 Resources, Procurement and Value for Money

4.4.1 There are no resource implications to the licensing authority. The premises licence is subject to an annual maintenance fee as prescribed under the Licensing Act 2003.

4.5 Legal Implications, Access to Information and Call In

4.5.1 There are no legal implications identified at the time of writing this report.

4.5.2 There is no provision for the premises licence to be open for consideration at this point of time given that the licence and subsequent revisions to the terms of the licence have been previously approved.

4.6 Risk Management

4.6.1 The Event Management Plan and all aspects of the event are taken through the Safety Advisory Group process.

5.0 Conclusions

5.1 At the time of writing this report, there has been no application to vary/revert the premises licence to the original capacity of 19,999 persons.

5.2 There is the prospect for Roundhay Park to be used for similar large scale events in future.

- 5.3 Any such intentions will be subject to 120 days notice to the licensing authority and relevant agencies (unless waiver agreed), and an Event Management Plan will be supplied 90 days prior, as required by conditions 35 and 36 of the premises licence.
- 5.4 The appropriate course of action would be for the said notice and the Event Management Plan to be served via the Council's Safety Advisory Group.
- 5.5 The action log following the 2019 concerts will be relied on to inform will inform any future events on a similar scale.

6.0 Recommendations

- 6.1 Members of the Licensing Committee are requested to receive feedback from the licence holder together with details of the action log following the 2019 concerts.

7.0 Background Papers

Safety Advisory Group Action Log (Exempt under Access to Information Procedure Rule number 10.4 (7))
Leeds City Council Statement of Licensing Policy 2019 to 2023 – Licensing Act 2003
Premises Licence (public register copy)¹

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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Report of the Chief Officer Elections and Regulatory

Report to Licensing Committee

Date: 3rd December 2019

Subject: Premises Licence – Licensing Act 2003
Leeds Festival 2019

Are specific electoral Wards affected?	☒ Yes	☐ No
If relevant, name(s) of Ward(s): Wetherby and Harewood		
Are there implications for equality and diversity and cohesion and integration?	☐ Yes	☒ No
Is the decision eligible for Call-In?	☐ Yes	☒ No
Does the report contain confidential or exempt information?	☒ Yes	☐ No
Refer to Para 1.3		
Exemption under Access to Information Procedure Rule number: 10.4(3) and 10.4(7)		

1. Main Issues

The Leeds Festival (the Festival) is an annual event held over the August Bank Holiday weekend within the grounds of Bramham Park. The Festival is held under the authorisation of a premises licence issued by the Licensing Authority under the Licensing Act 2003.

2. Best Council Plan Implications

The licensing regime contributes to Best City Priorities 2019/20:-

- Culture
- Safe, Strong Communities
- Inclusive Growth

3. Resource implications

No resource implications for the licensing authority are identified.

Recommendations

Members of the Licensing Committee are requested to receive feedback from the licence holder together with details of the action log following the 2019 Festival.

1. Purpose of this Report

- 1.1 This report is to provide Members with details of the action log following the 2019 Festival.
- 1.2 Mr Melvin Benn of Festival Republic will be in attendance at the meeting, together with a representative of the Safety Advisory Group.
- 1.3 Members may consider it appropriate for the public to be excluded from the meeting to allow attendees to provide Members with confidential information associated with the Festival which falls under the Access to Information Procedure Rules 10.4(3) as this includes information relating to the financial or business affairs of any particular person; and 10.4 (7), information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime as in all the circumstances of the matter the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. Background Information

- 2.1 The premises licence for the Leeds Festival was considered and approved by the Members of the Licensing Committee on the 28 April 2006.
- 2.2 The licence granted to Festival Republic Ltd., is held for Bramham Park and allows the festival to take place each August Bank Holiday weekend.
- 2.3 Members resolved to grant the application as requested and accepted the applicants offer to include the following additional three conditions:
 - 1) There shall be an Event Management Plan which incorporates the operating schedule submitted to the Licensing Authority at least 6 months prior to the Festival each year.
 - 2) The Event Management Plan and any revisions to the Event Management Plan must be approved by the Licensing Authority prior to the Festival.
 - 3) The Premises Licence Holder shall comply with the terms and requirements of the Event Management Plan each year.
- 2.4 In addition the Committee reserved the right to determine how the final amended Event Management Plan for the festival should be agreed with the facility for the final plan to be agreed by the Committee or officers under delegated authority.
- 2.5 Members were presented with reports on the 2019 Festival arrangements at meetings of the Licensing Committee on the 2nd April 2019 and again on the 13th August 2019, when the Members resolved to give delegated authority to the Chief Officer, Elections & Regulatory, to approve the final Event Management Plan.

- 2.6 Members of the Licensing Committee undertook a tour of the site on the 21st August 2019 in the company of the festival organiser, Mr Melvin Benn. On the same occasion the final Event Management Plan was approved by the Chief Officer.

3. Main Issues

- 3.1 Multi agency meetings via the Safety Advisory Group were convened on a regular basis on the lead up to the Festival, including a table exercise.
- 3.2 On-site multi agency meetings continued throughout the period of the event.
- 3.3 All agency comments following the Festival have been collated by the Safety Advisory Group, which appear in the form of an action log and will inform the 2020 Festival planning.
- 3.4 A post event meeting also took place with the local Councillors for Wetherby and Harewood.

4. Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The application for the premises licence in 2006 was subject to the statutory consultation process as prescribed by the Licensing Act 2003.
- 4.1.2 Multi agency liaison is facilitated through Leeds City Council's Safety Advisory Group.
- 4.1.3 Festival Republic continue to maintain regular liaison with community representatives.

4.2 Equality and Diversity/Cohesion and Integration

- 4.2.1 There are no identified implications for equality and diversity. Any decision taken by the Licensing Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003 and the Council's Statement of Licensing Policy (Licensing Act 2003).

4.3 Council Policies and City Priorities

- 4.3.1 Through the promotion of the four statutory licensing objectives:
- The prevention of crime and disorder
 - The prevention of public nuisance
 - The protection of children from harm, and
 - Public Safety.

the Statement of Licensing Policy 2019-2023, and partnership working the licensing regime contributes to the Best City Priorities 2019/20:-

Culture

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Inclusive Growth

- Supporting growth and investment, helping everyone benefit from the economy to their full potential
- Supporting business and residents to improve skills, helping people into work and into better jobs

4.4 Resources, Procurement and Value for Money

- 4.4.1 There are no resource implications to the licensing authority. The premises licence is subject to an annual maintenance fee as prescribed under the Licensing Act 2003.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 There are no legal implications identified at the time of writing this report.
- 4.5.2 There is no provision for the premises licence to be open for consideration at this point of time given that the licence and subsequent revisions to the terms of the licence have been previously approved.

4.6 Risk Management

- 4.6.1 The Event Management Plan and all aspects of the event are taken through the Safety Advisory Group process.

5.0 Conclusions

- 5.1 The action log following the 2019 Festival will be relied on to inform the 2020 Event Management Plan.

6.0 Recommendations

- 6.1 Members of the Licensing Committee are requested to receive feedback from the licence holder, together with details of the action log following the 2019 Festival.

7.0 Background Papers

Safety Advisory Group Action Log (Exempt under Access to Information Procedure Rule number 10.4 (7))
Leeds City Council Statement of Licensing Policy 2019 to 2023 – Licensing Act 2003
Premises Licence (public register copy)¹

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

LICENSING COMMITTEE WORK PROGRAMME 2018/19 - LAST UPDATED 22/11/19 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 3rd December 2019			
Draft Report of the findings of the CCTV Working Group	To consider a report by the Chief Officer Elections and Regulatory which sets out the initial findings of the CCTV Working Group and the plan for consultation	A White	DP
De-Brief Report following the Ed Sheeran event at Roundhay	To consider a report by the Chief Officer Elections and Regulatory which provides a de-brief following the Ed Sheeran event at Roundhay Park in August 2019.	N Raper	B
De-Brief Report following Leeds Festival 2019	To consider a report by the Chief Officer Elections and Regulatory which provides a de-brief following the Leeds Festival Event 2019	N Raper	B
Meeting date: 28th January 2020			
Meeting date: 3rd March 2020			
Annual Licensing Report	To consider a report by the Chief Officer, Elections and Regulatory which present the Annual Licensing Report for 2019	N Raper/ A White	PM

Key:

RP – Review of existing policy

DP – Development of new policy

PM – Performance management

B – Briefings

SC – Statutory consultation

LICENSING COMMITTEE WORK PROGRAMME 2018/19 - LAST UPDATED 22/11/19 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 7th April 2020			