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Regulatory Board
26 July 2023

A MEETING OF THE REGULATORY BOARD WAS HELD ON 26 JULY 2023

Councillors Earle, Bradley, Bradley, Casey, Scard, Gledhill and Cox (Substituting for Hammond)

8. APOLOGIES FOR NON-ATTENDANCE

Apologies for non-attendance were received from Councillor Hammond who was substituted by Councillor Cox.

9. DECLARATIONS OF INTEREST

Councillor Casey declared a pecuniary interest in item 02 of the Development Manager's Report, item 8 on the agenda.

Councillor M Bradley declared a personal interest in item 7

10. MINUTES OF THE MEETING HELD ON 7 JUNE 2023

RESOLVED: That the minutes of the meeting held on 7 June 2023 were signed as a true and correct record.

11. DEPUTATIONS - STANDING ORDER 3.4

A deputation was received on item 6 of the Agenda- Proposed Amendments to Taxi Licensing.

12. PUBLIC QUESTIONS - STANDING ORDER 3.5

There were none

13. PROPOSED AMENDMENTS TO TAXI LICENSING REQUIREMENTS

Consideration was given to a report by the Head of Environmental Health proposing amendments to the Taxi Licensing Requirements.

There was a deputation from Police & Crime Commissioner Donna Jones.

At the beginning of June I wrote to the Secretary of State for Transport, Mark Harper MP, to ask him to change national licensing guidance to mandate CCTV in taxis and private hire vehicles.

This follows the conviction of a taxi driver in Southampton in May 2023 who was jailed for sexually assaulting a woman. The CCTV evidence in the taxi led to the conviction and prevented the victim from having to go through a trial due to the conclusive evidence.

Portsmouth and Southampton City Councils licensing requirements for Hackneys and private hire already require CCTV to be fitted and I am calling for all Councils in Hampshire and Isle of Wight to follow suit with Gosport being the first to consider this issue.

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Her letter to the secretary of State for Transport reads:

Dear Mr Harper

I am writing to you in your role as Secretary of State for Transport to consider mandating CCTV in taxi and private hire vehicles after a taxi driver in Southampton was recently jailed for sexually assaulting a woman.

The woman could not recall the attack, but it was recorded on a camera inside the cab driver's licensed private hire vehicle. Southampton City Council mandates cameras in taxis, but I know this is not the case in all jurisdictions.

I believe that needs to change to protect women from predatory men.

If we take this attack as an example, without the video evidence in this case, this man could have gone on to offend again and again, continually putting women in danger. This is a major loophole perpetrators can exploit. Women need to feel safe on a night out and they need to be able to trust those who are licensed to drive them home.

As Commissioner, I know that there is a cost involved in mandating this, and that there has been previous legal challenges from the Information Commissioner's Office (ICO) regarding risk to privacy, specifically in relation to audio recording. However this case clearly demonstrates the value of mandating CCTV cameras.

As the Joint Victims Lead for the APCC, I strongly believe there are lessons to be learnt from horrific local incidents like this, just as much as the high profile cases we have witnessed over the last two years.

I am therefore respectfully asking you to consider reviewing the statutory licensing conditions for taxi and private hire vehicles in England and Wales to further strengthen the government's commitment to tackling violence against women

The Head of Environmental Health introduced his report and advised Members that these updates were necessary due to statutory changes, changes in practice recognised by the licensing profession, and following feedback from the trade.

Members were advised that the statutory guidance in respect of CCTV requires that any response is proportionate and local evidence based. The level of complaints in the Gosport area is very low, and with some drivers still struggling with the effects of Covid, the officer had originally recommended not to introduce a mandatory requirement to fit CCTV. However, in consideration of information brought by the deputation and mindful of the need to protect both drivers and passengers, it may be appropriate to change the recommendation.

In answer to a Member's question, the officer was able to advise that a CCTV unit would cost in the realms of £500-750. A delay in the introduction of the condition would allow for research into possible funding streams to aid the drivers.

Members were advised that the CCTV would be turned off when the driver was not carrying fares, and that the sound element would only be activated if they were under duress. The officer agreed that there were a number of issues to be resolved and included in the specification and policy documents.

Members were concerned about the affordability of installing the CCTV, especially for those drivers for whom this was a second job, and wanted to ensure that a reasonable timeframe for adherence was applied.

It was proposed and agreed that the recommendation should read; CCTV shall be mandatory for all new Gosport taxis and private hire vehicles. CCTV is to be added by 1st April 2025 to all existing Gosport taxis and private hire vehicles for the protection of both passengers and drivers alike.

Members were advised that the intended drug test is self administered and any non negative results sent to a lab for further analysis. The officer agreed that the introduction of drug testing would be a learning experience and the company providing the facility would be able to advise on a number of procedural issues. There were a number of options available to licensing officers, all of which would be explored, which included the ability to bring a driver to Board to decide if they should be allowed to continue driving.

The Head of Environmental Health agreed to inform members how many wheelchair accessible chairs there were registered in Gosport.

RESOLVED: That the Board considered the proposed amendments to the Taxi and Private Hire Licensing requirements:

- i) the introduction of 6 monthly DBS checks via the update service
- ii) CCTV shall be mandatory for all new Gosport taxis and private hire vehicles. CCTV is to be added by 1st April 2025 to all existing Gosport taxis and private hire vehicles for the protection of both passengers and drivers alike.
- iii) the introduction of drug testing for new applicants and randomly for licensed drivers
- iv) an amendment to documentation to include statutory tax checks
- v) an amendment to documentation to support the use of the National Database of Refusals, Revocations and Suspensions (NR3S)
- vi) The number of Hackney Carriage Grandfather plates be brought back up to the original 50 (currently there are 30 saloon vehicles)
- vii) The only engineers report required would be on annual renewal or if there was a specific reason for requiring one e.g. a vehicle has been in an accident.

14. TPO G152 53 ST MARY'S AVENUE

Consideration was given to a report by the Borough Solicitor and Development Manager requesting the Board to consider whether to confirm, amend and confirm, or not to confirm Tree Preservation Order G.152, where a representation/observation has been received following a period of public consultation.

Members were advised that the interim TPO was made following an enquiry from the estate agent marketing the property where the tree is. The Council's Arboricultural Officer had been to inspect the tree and due to the size, life expectancy and contribution to the character of the locale recommended that it should be subject to a TPO. Some tree work was identified as needing to be carried out and this would need to be the subject of an application for TPO consent before the work can be carried out.

A Member was concerned about the financial burden that placing a TPO can have on an owner.

RESOLVED: That the Board, in accordance with the provisions of the Town and Country (Tree Preservation) (England) Regulations 2012 confirmed Tree Preservation Order No G.152 relating to a Common Beech tree at 53 St Mary's Avenue, Gosport PO12 2HU

15. REPORT OF THE DEVELOPMENT MANAGER

Consideration was given to the report of the Development Manager, detailing applications for consideration.

23/00221/FULL –DEMOLITION OF EXISTING BUILDING AND ERECTION OF TWO BUILDINGS, FOR USE CLASSES E(G) (III) INDUSTRIAL PROCESS, B2 GENERAL INDUSTRIAL & B8 STORAGE AND DISTRIBUTION USES WITH ASSOCIATED CAR PARKING, CYCLING PARKING, SERVICE YARD AND LANDSCAPING.
Unit 700 Fareham Reach 166 Fareham Road Gosport Hampshire PO13 0FP

Consideration was given to application 23/00221/FULL

Members were pleased to see a development that would increase employment opportunities in the Borough

RESOLVED: That application 23/00221/FULL be approved subject to the conditions in the report of the Development Manager.

23/00209/LBA LISTED BUILDING APPLICATION- REPLACEMENT OF EXISITING GARAGE METAL ROLLER DOOR AND PEDESTRIAN DOOR, WITH NEW TIMBER DOORS AND ASSOCIATED REPAIRS (CONSERVATION AREA)
3 Crescent Road, Gosport Hampshire PO12 2DH

Consideration was given to application 23/00209/LBA

Councillor Casey left the room and therefore took no part in the discussion.

RESOLVED: That application 23/00209/LBA be approved subject to the conditions in the report of the Development Manager.

16. ANY OTHER ITEMS

CHAIRMAN

Concluded at 6.50 pm