



Cabinet Member for City Services

Time and Date

2.30 pm on Wednesday, 26th January, 2022

Place

Committee Room 3 - Council House

Please note that in line with current Government and City Council guidelines in relation to Covid, there will be reduced public access to the meeting to manage numbers attending safely. If you wish to attend in person, please contact the Governance Services Officers indicated at the end of the agenda.

Public Business**1. Apologies****2. Declarations of Interests****3. Minutes** (Pages 5 - 8)

- (a) To agree the minutes of the meeting held on 14th December 2021
- (b) Matters Arising

4. Petition - Insufficient Parking in Peel Street (Pages 9 - 16)

Report of the Director of Transportation and Highways

To consider the above petition bearing 14 signatures, which is being supported by Councillor S Nazir, a Foleshill Ward Councillor who has been invited to the meeting for the consideration of this item, along with the petition organiser.

5. On Street Residential Chargepoint Scheme - Experimental Traffic Regulation Order Objection Report (Pages 17 - 26)

Report of the Director of Transportation and Highways

Note: The objectors have been invited to the meeting for the consideration of this item

6. **Recommendations Following Consultation over the Department for Transport Statutory Taxi and Private Hire Vehicle Standards** (Pages 27 - 52)
Report of the Director of Streetscene and Regulatory Services
7. **Petitions Determined by Letter and Petitions Deferred Pending Further Investigations** (Pages 53 - 60)
Report of the Director of Transportation and Highways
8. **Outstanding Issues**
There are no outstanding issues
9. **Any other items of Public Business**
Any other items of public business which the Cabinet Member decides to take as matters of urgency because of the special circumstances involved

Private Business

Nil

Julie Newman, Director of Law and Governance, Council House, Coventry

Tuesday, 18 January 2022

Note: The person to contact about the agenda and documents for this meeting is Liz Knight / Michelle Salmon, Governance Services Officers, Email: liz.knight@coventry.gov.uk / michelle.salmon@coventry.gov.uk

Membership:

Councillors: P Hetherton (Cabinet Member) and G Lloyd (Deputy Cabinet Member)

By invitation: Councillors M Heaven (Shadow Cabinet Member) and L Bigham (Chair of Communities and Neighbourhoods Scrutiny Board (4))

Public Access

Please note that in line with current Government and City Council Covid guidelines, there will be limited public access to the meeting to manage numbers attending safely.

Any member of the public who would like to attend the meeting in person is required to contact the officers below in advance of the meeting regarding arrangements for public attendance. A guide to attending public meeting can be found here:

<https://www.coventry.gov.uk/publicAttendanceMeetings>

**Liz Knight / Michelle Salmon, Governance Services Officers,
Email: liz.knight@coventry.gov.uk / michelle.salmon@coventry.gov.uk**

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Coventry City Council
Minutes of the Meeting of Cabinet Member for City Services held at 10.30 am on
Tuesday, 14 December 2021

Present:

Members: Councillor P Hetherton (Cabinet Member)
 Councillor G Lloyd (Deputy Cabinet Member)
 Councillor M Heaven (Shadow Cabinet Member)

Employees:

L Knight, Law and Governance
J Logue, Transportation and Highways

Apologies: Councillor L Bigham, Chair, Communities and
 Neighbourhoods Scrutiny Board (4)

Public Business

47. Declarations of Interests

There were no declarations of interest.

48. Minutes

The minutes of the meetings held on 15th and 22nd November, 2022 were agreed as true records. There were no matters arising.

49. 2021/22 Local Safety Scheme Programme - Average Speed Enforcement Schemes - Walsgrave Road, Radford Road, Holyhead Road, Tamworth Road, Charter Avenue, Kenilworth Road, Hearsall Common/ Hearsall Lane, Allard Way and Allesley Old Road

The Cabinet Member considered a report of the Director of Transportation and Highways which sought approval for the implementation of nine Average Speed Enforcement (ASE) schemes at the following locations: Walsgrave Road, Radford Road, Holyhead Road, Tamworth Road, Charter Avenue, Kenilworth Road, Hearsall Common/ Hearsall Lane, Allard Way and Allesley Old Road. Copies of location plans were set out in an appendix to the report.

The report indicated that, whilst the total number of personal injury collisions in Coventry was falling, the number of people killed or seriously injured (KSI) on the city's main roads was increasing. Over the 3 year period from March 2017 to February 2020, a total of 378 people were killed or seriously injured on Coventry's road network.

The City Council received many requests for road safety measures from residents and Members across the city concerned about speeding, including a significant number of petitions. As the Highway Authority, the Council was responsible for setting speed limits on the local roads. The Coventry road network needed to support a local transport system that was safe for all road users, promoted

economic growth, and improved the quality of life in all communities. The Council was the West Midlands Combined Authority (WMCA) Road Safety Lead, and was committed to reducing the numbers of people killed or seriously injured (KSI) by 40% over the next 10 years' using the 3 year average (2014, 2015 and 2016) as the baseline.

To try to reduce personal injury collisions, the Council had introduced 10 ASE schemes on high traffic volume routes that had a high number of KSI's. These were on London Road (2 schemes), Ansty Road (2 schemes), Binley Road, Henley Road, Longford Road, Bell Green Road, Burnaby Road and Foleshill Road. A further ASE scheme (Stoney Stanton Road) was approved by the Cabinet Member on 15th November 2021, and this scheme would become operational in the coming months.

The report informed that the ASE cameras detected vehicles through Automatic Number Plate Recognition (ANPR) and calculated their average speed by measuring the time taken to travel between defined points, a known distance apart. A clear signing strategy was used to inform drivers that they were entering an average speed control zone. The report detailed the criteria for selecting sites and also set out the success of the ASE London Road scheme introduced in January 2019 which had significantly reduced the number of accidents and also significantly reduced vehicle speeds, particularly off-peak speeds. Information was also provided highlighting the success of the ASE introduced on the Ansty Road in January 2019. Further details were provided on the other ASE locations operating in the city which showed increases in speed limit compliance and reductions in personal injury collisions.

The report set out the data led case for ASE at additional locations across the city. Contributory factors attributed to the collisions at the following locations: Walsgrave Road, Radford Road/Keresley Road, Holyhead Road, Tamworth Road, Charter Avenue, Kenilworth Road, Hearsall Common/ Hearsall Lane, Allard Way and Allesley Old Road, included vehicles travelling at excessive speeds and other factors associated with driving behaviour such as careless, reckless and aggressive driving. The number of personal injury collisions and their severity were highlighted in the report.

In light of the rise and severity of personal injury collisions at these nine locations, it was proposed to install the nine ASE schemes in 2021/22 and 2022/23. It was also recommended that the associated procurement process for the ASE equipment was undertaken together with collaboration with partner organisations (West Midlands Police and other West Midlands Local Authorities).

The estimated capital cost of implementing the proposed new ASE schemes was £600,000, to be funded as follows:

- (i) From the remaining local safety scheme 2021-22 budget, approved by Cabinet on 9th March 2021 as part of the Transportation and Maintenance Capital Programme 2021/22
- (ii) From future years local safety scheme capital budget. There was the option to accelerate some of the local safety scheme capital budget for 2022-23 if required
- (iii) From alternative funding streams that could become available.

Councillor Hetherington, Cabinet Member expressed support for the introduction of further ASE schemes across the city and Councillors Lloyd and Heaven concurred with her comments. Members asked about consultation prior to the introduction of ASE and further details were provided.

RESOLVED that:

1. The implementation of the nine ASE schemes at Walsgrave Road, Radford Road/Keresley Road, Holyhead Road, Tamworth Road, Charter Avenue, Kenilworth Road, Hearsall Common/ Hearsall Lane, Allard Way and Allesley Old Road as detailed in the report be approved.

2. The associated procurement process for ASE equipment to be undertaken be approved and approval be given to collaborate with partner organisations (West Midlands Police and other West Midlands Local Authorities).

50. Outstanding Issues

There were no outstanding issues.

51. Any other items of Public Business

There were no additional items of public business.

(Meeting closed at 10.40 am)

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Cabinet Member for City Services

26 January 2022

Name of Cabinet Member:

Cabinet Member for City Services – Councillor P Hetherton

Director Approving Submission of the report:

Director of Transportation and Highways

Ward(s) affected:

Foleshill

Title:

Petition - Insufficient Parking in Peel Street

Is this a key decision?

No

Executive Summary:

A petition with 14 signatures was received requesting that the build-outs and dangerous trees in Peel Street be removed to create additional on-street parking.

In accordance with the City Council's procedure for dealing with petitions, those relating to on-street parking are heard by the Cabinet Member for City Services. The Cabinet Member had considered the petition prior to this meeting and requested that the petition was dealt with by letter (determination letter) rather than a formal report being submitted to a meeting, to be able to deal with the matter more efficiently.

The determination letter advised that the Council is unable to fund the creation of additional on-street parking from the Traffic Management budget due to limited funding, and that the trees are inspected periodically to see if any maintenance is required.

On receipt of the determination letter, the petition organiser advised that she wanted the issue to be considered at a Cabinet Member for City Services meeting.

The cost of changes to on-street parking provision is funded from the Highways Maintenance and Investment Capital Programme budget through the Local Transport Plan.

Recommendations:

Cabinet Member for City Services is recommended to:

1. Note the petitioners' concerns
2. Endorse the actions confirmed by determination letter to the petition organiser (as detailed in paragraph 1.5 of the report).

List of Appendices included:

Appendix A – Location plan
Appendix B – Determination letter

Background Papers:

None

Other useful documents:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Petition - Insufficient Parking in Peel Street

1. Context (or background)

1.1 A petition with 14 signatures was received requesting that the build-outs and dangerous trees in Peel Street be removed to create additional on-street parking. The petition was sponsored by Councillor Nazir.

1.2 The petition reads as follows:

*“Problem – Insufficient parking
Required solution - Removal of the dangerous overgrown trees and surrounding verge to create more parking spaces”*

1.3 Peel Street is a residential road off Stoney Stanton Road. Sections of the kerb on the southern side of the road are built out to create grass verges with trees. A location plan is shown in Appendix A to the report.

1.4 In accordance with the City Council's procedure for dealing with petitions, those relating to road safety and parking issues are heard by the Cabinet Member for City Services. The Cabinet Member considered the petition prior to this meeting and in response requested that the issue was dealt with by determination letter rather than a formal report being submitted to a meeting, to be able to deal with the matter more efficiently.

1.5 The determination letter (copy in Appendix B to the report) advised that, due to limited budgets, the Council is unable to fund the creation of additional on-street parking, and that the trees are inspected periodically to see if any maintenance is required.

1.6 The trees on Peel Street are inspected every three years. The most recent inspection was in August 2021 and all remedial works were completed by November.

2. Options considered and recommended proposal

2.1 The recommended actions in response to the issues raised have already been approved and are detailed in paragraph 1.5 and in the determination letter (Appendix B to the report).

3. Results of consultation undertaken

3.1 No formal consultation has been undertaken.

4. Timetable for implementing this decision

4.1 The agreed actions have already been implemented.

5. Comments from the Chief Operating Officer (Section 151 Officer) and the Director of Law and Governance

5.1 Financial implications

There are no financial implications to the Council of the recommended actions (paragraph 1.5).

The cost of changes to on-street parking provision is funded from the Highways Maintenance and Investment Capital Programme budget through the Local Transport Plan. The scheduling of works is based on the priority of the scheme and the funds available.

5.2 Legal implications

There are no legal implications of the recommended proposal.

6. Other implications

6.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

N/A.

6.2 How is risk being managed?

N/A.

6.3 What is the impact on the organisation?

None.

6.4 Equalities / EIA

No specific equalities impact assessment has been carried out.

6.5 Implications for (or impact on) climate change and the environment

None.

6.6 Implications for partner organisations?

None.

Report author(s)**Name and job title:**

Martin Wilkinson
Senior Officer - Traffic Management

Service:

Transportation and Highways

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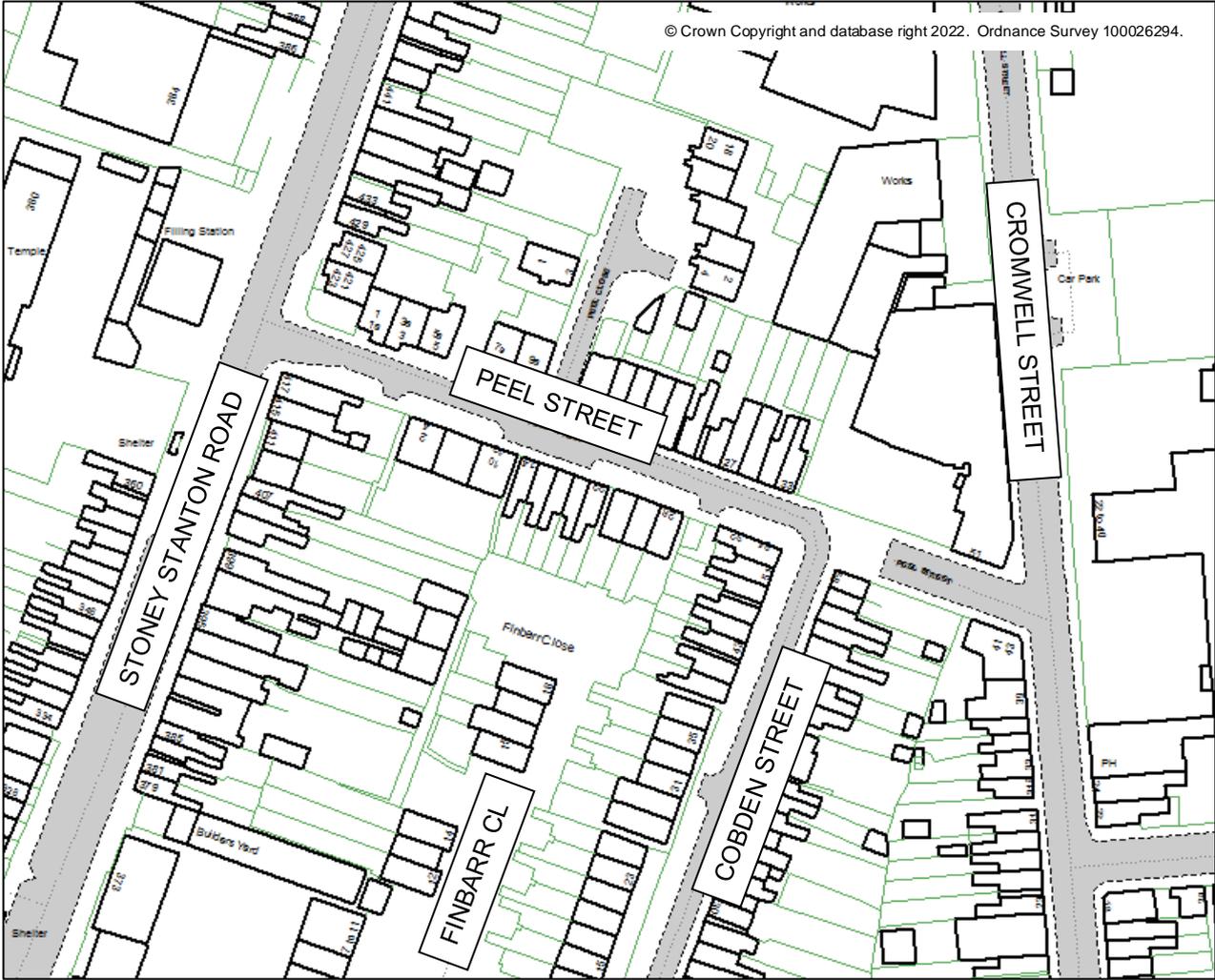
Enquiries should be directed to the above person.

Contributor/approver name	Title	Service Area	Date doc sent out	Date response received or approved
Contributors:				
Rachel Goodyer	Traffic and Road Safety Manager	Transportation and Highways	12/01/2022	13/01/2022
Caron Archer	Team Leader, Traffic Management	Transportation and Highways	12/01/2022	14/01/2022
Liz Knight	Governance Services Officer	Law and Governance	12/01/2022	13/01/2022
Tim Wetherhill	Urban Forestry Officer	Parks Services	12/01/2022	
Names of approvers: (officers and members)				
Graham Clark	Lead Accountant	Finance	12/01/2022	13/01/2022
Rob Parkes	Team Leader	Law and Governance	12/01/2022	13/01/2022
Councillor Hetherton	Cabinet Member for City Services		17/01/2022	17/01/2022

This report is published on the council's website:

www.coventry.gov.uk/councilmeetings

Appendix A – Location plan



Appendix B – Copy of text of determination letter

I am writing with regard to the above petition and your request for the build-outs and trees (which you state are dangerous) in Peel Street to be removed to create additional on-street parking.

The matter was discussed with Councillor Hetherington, Cabinet Member for City Services, who has requested that this be dealt with by way of letter rather than a formal report being submitted to a future meeting, so that it can be dealt with more quickly.

Due to limited budgets, we are unable to fund the creation of additional on-street parking. With regards to the trees on Peel Street, these are inspected periodically to see if any maintenance is required.

I would be grateful if you could please confirm in writing, either by email or letter, that you agree that the petition be progressed by way of this letter. If you do not agree, a report responding to your petition will be prepared for consideration at a future Cabinet Member meeting. You will be invited to attend this meeting where you have the opportunity to speak on behalf of the petitioners.

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Cabinet Member for City Services

26th January 2022

Name of Cabinet Member:

Cabinet Member for City Services – Councillor P Hetherton

Director Approving Submission of the report:

Director of Transportation and Highways

Ward(s) affected:

City-wide

Title:

Report – Onstreet Residential Chargepoint Scheme (ORCS) – Experimental Traffic Regulation Order (ETRO) Objection Report

Is this a key decision?

No – Although the matters within the report affect a number of wards in the city, it is not anticipated that the impact will be significant.

Executive Summary:

Coventry is at the cutting edge of the automotive industry and a leader in innovation. Electric vehicles lie at the heart of this development and following a number of successful bids, the city council have installed over 403 residential electric chargepoints city wide. A further 155 chargepoints are due to commence installation from January 2022 and will be operational by end of July 2022. This programme is intended to future-proof the city's transport infrastructure for the increase in electric vehicle ownership in line with national Government policy, with the Government having committed to ending sales of new diesel- and petrol-powered vehicles from 2030.

Electric car sales are increasing exponentially and, as a City Council, we have recognised the need to act to future-proof our transport system for electric vehicles.

This includes installing Electric Vehicle (EV) charge points on residential streets where residents have no off-street parking to give people the chance to charge an EV at or near their home even when they don't have a private driveway.

To date, the City Council has secured £2.12 million to support this programme, and Coventry has the highest number of EV charge points of any city in the UK outside London.

As part of the initiative, the City Council installed two 22kW charging bollards on Browning Road and two 22kW charging bollards on Billing Road with an Experimental Traffic Regulation Order operational 6am-10pm, for electric vehicles to park for up to four hours no return within four hours operational from 3rd May 2021 with a six month objection period.

Two objections have been received (one for each road) In accordance with the City Council's procedure for dealing with objections to ETROs, they are reported to the Cabinet Member for City Services for a decision as to how to proceed.

Recommendations:

It is recommended that the Cabinet Member for City Services:

1. Consider the objections received to The City of Coventry (Various Locations Phase 10) (Electric Charging Places) (Experimental) Order 2021.
2. Subject to recommendation 1, approve the making permanent of The City of Coventry (Various Locations Phase 10) (Electric Charging Places) (Experimental) Order 2021

List of Appendices included:

Appendix A – Summary of ETRO Objections and response

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Onstreet Residential Chargepoint Scheme (ORCS) – Experimental Traffic Regulation Order (ETRO) Objection Report

1. Context (or background)

- 1.1. The Office for Zero Emission Vehicles (OZEV) is a cross Government, industry endorsed team set up to promote the uptake of zero emission vehicles (ZEV). OZEV has the remit to dispense funding for 'on street residential chargepoint scheme' (ORCS) to local authorities on behalf of the Department for Transport.
- 1.2. Coventry was declared an Air Quality Management Area in 2009 because of high levels of Nitrogen Oxide (NO₂) and more recently the Government's 'UK Plan for Tackling Roadside Nitrogen Oxide Concentrations' document issued in July 2017 identified Coventry as a city where NO₂ exceedance is expected to continue beyond 2020.
- 1.3. Coventry's adopted Local Plan includes policies to promote the uptake of electric vehicles. These are Policy AC1 (Accessible Transport Network) and Policy EM6 (Air Quality).
- 1.4. The Government has published their Making the Connection: the plug-in vehicle infrastructure strategy, a clear vision for infrastructure helping address for those interested in plug-in vehicle infrastructure.
- 1.5. The Government has also published their Decarbonising Transport Paper in July 2021 which sets out government's commitments and the actions needed to decarbonise the entire transport system in the UK.
- 1.6. ORCS has been running for 3 years and the chargepoint market has developed considerably since, with a wider range of chargepoint operators and products in the market with overall volumes rising.
- 1.7. The Council has submitted four ORCS bids to OZEV between 2018 and 2020 and has been successful in securing a total of £1.42 million to deliver 403 charge points (four phases) and to help prepare the City with the infrastructure required to transition to net zero transport.
- 1.8. The Council submitted a fifth ORCS bid in 2021 and have been successful in securing £706k to further deliver 155 charge points (phase 5).
- 1.9. The charge points installed as part of these phases are predominantly slow chargers as residential chargers are provided for use, mainly during overnight parking or long duration parking daytime.
- 1.10. Where possible, two fast charge points have been provided for the residents and their visitors in each zone. where a parking and charging restriction of four hours, no return within four hours (6am – 10pm) has been implemented. An ETRO has been used in these location whilst their use and timings are monitored.
- 1.11. The restrictions are necessary to allow for the visitors or residents to move their electric car once its charged and make it accessible to other residents/visitors as the purpose of these two charging points is to allow for the visitors of the residents an opportunity to have a top up charge whilst visiting the residents in that area

1.12. As such, in phase 3 of the delivery of the ORCS project, an ETRO was advertised for the two fast chargers installed on Browning Road in Zone T and two fast chargers on Billing Road in Zone S.

2. Options considered and recommended proposal

2.1. In response to the objections received the options considered are:

- i) make the ETRO permanent
- ii) remove the restrictions and parking bays

2.2 The recommended proposal is to keep the parking bays and the restriction and make the ETRO permanent

3 Results of consultation undertaken

3.1 The Council undertook consultation by sending out 825 street news to the area for Billing Road (Zone S) and 194 street news for the Browning Road area (Zone T) including carrying out drop-in-sessions in each Zone and then sending out a further street news with an update following the initial consultation.

3.2 The consultation informed residents that there will be no parking restrictions initially placed on the use of the parking spaces until the number of electric vehicles has increased in each zone.

3.3 Where feasible, the proposal included two fast charging points in each zone to allow a quicker top-up charge to be accessed by residents and their visitors.

3.4 These fast charging spaces have had an Experimental Traffic Regulation Order (ETRO) advertised with a restriction operating 6am -10pm with a of maximum stay of four hours, no return within four hours.

3.5 The Experimental TRO was advertised in the Coventry Telegraph on 22nd April 2021, and notices were also placed on street. The ETRO became operational on 3rd May 2021 which commenced a six months objection period. Two objections were received.

4 Timetable for implementing this decision

4.1 The six months objection period ended 3rd November 2021.

4.2 Subject to approval, it is proposed to make The City of Coventry (Various Locations Phase 10) (Electric Charging Places) (Experimental) Order 2021 ETRO permanent on 2nd March 2022.

5 Comments from the Chief Operating Officer (Section 151 Officer) and the Director of Law and Governance

5.1 Financial implications

The cost of advertising the making permanent of the ETRO, if approved will be met by the funding secured for ORCS phase 5 project.

5.2 Legal implications

The Road Traffic Regulation Act 1984 allows the Council to make a Traffic Order, including an experimental order, on various grounds e.g. improving safety, improving traffic flow and

preserving or improving the amenities of an area provided it has given due consideration to the effect of such an order.

In accordance with Section 122 of the Road Traffic Regulation Act 1984, when considering whether it would be expedient to make a traffic order the Council is under a duty to have regard to and balance various potentially conflicting factors e.g. the convenient and safe movement of traffic (including pedestrians), adequate parking, improving or preserving local amenity, air quality and/or public transport provision.

An experimental order takes effect 7 days after public notice is given and can remain in force for up to 18 months. Objections may be made during the first 6 months of operation and any objections must be considered before any decision to make the order permanent.

The 1984 Act provides that once a Traffic Order has been made it may only be challenged further via the High Court on a point of law (i.e. that the Order does not comply with the Act for some reason).

6 Other implications

6.1 How will this contribute to achievement of the Council Plan?

It is considered that the proposals support the Council Plan objective to create an attractive, greener city by making it easier for people to use electric vehicles within the city, thereby reducing vehicle emissions, improving the environment and tackling climate change, and supporting the delivery of the Local Air Quality Action Plan for Coventry.

6.2 How is risk being managed?

Risk is being managed through the project governance.

6.3 What is the impact on the organisation?

None

6.4 Equalities / EIA

No equality impact assessments have been undertaken. However, it is not expected that making of this order will have any adverse impact and these chargepoints will be accessible to all residents and their visitors in the area.

6.5 Implications for (or impact on) climate change and the environment

The intention of implementing these chargepoints is that once they are installed and operational, residents will have confidence to purchase or lease electric cars as they will be able to charge near their homes. And once the electric vehicle uptake is accelerated, the (anticipated) reduced levels of CO₂ and NO₂ emissions should result in improvements to local air quality. This would support the Coventry Local Air Quality Plan which was approved by the Council's Cabinet in July 2020.

6.6 Implications for partner organisations?

None

Report title: Onstreet Residential Chargepoint Scheme (ORCS) – ETRO Objection Report

Report author(s)

Name and job title:

Shamala Evans-Gadgil,
Programme Manager/Senior Project Manager
Transport and Innovation

Service:

Transportation and Highways

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Enquiries should be directed to the above person.

Contributor/approver name	Title	Service Area	Date doc sent out	Date response received or approved
Contributors:				
John Seddon	Head of Transport and Innovation		13.12.21	14.12.21
Caron Archer	Principal Officer (Traffic Management)	Traffic & Network Management	13.12.21	20.12.21
Liz Knight	Governance Services Officer	Law and Governance	12.1.22	12.1.22
Names of approvers for submission: (officers and members)				
Colin Knight	Director (Planning, Transport and Highways)		20.12.21	11.01.22
Rachel Goodyer	Traffic and Road Safety Manager,	Traffic & Network Management	20.12.21	11.01.22
Sunny Heer	Lead Accountant	Finance	20.12.21	21.12.21
Rob Parkes	Team Leader	Law and Governance	20.12.21	11.01.22
Councillor Hetherton	Cabinet Member for City Services		17.1.22	17.1.22

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Appendix A Summary of Objections and Responses

<u>Objection No</u>	<u>Summary of Objection</u>	<u>Response</u>
1	<p>The objector is objecting on a few points as follows:</p> <ol style="list-style-type: none"> 1. A ban on low income people parking in their own street. Racist as more minorities have low income. The objector would like data provided to refute this. 2. Use by commercial vehicles such as electric taxis. Effectively Subsidised Free parking for non-resident commercial vehicles. 3. Use of child labour in battery production. Exporting Victorian child labour practices abroad is unethical but legal. 4. Lack of research into emf fields generated by vehicles. 5. Increased levels of anti-social behavior, and crime. Assaults on enforcement staff. Arguments about parking. 6. The objector wants a democratic process and wants a leaflet drop carried out to all residents on Browning Road <p>The objector goes on to says that they do want clean air along with wanting a fair distribution of wealth and privilege. The objector informs the City council that they would be very happy to accept a new electric car in exchange for their present vehicle which will cost the council at least £20000. But then goes on to ask what costs a clean planet?</p>	<ol style="list-style-type: none"> 1. The provision of electric vehicle charge points on a residential streets is to future proof the city for the increased ownership of electric vehicles, given the ban on petrol and diesel vehicles which comes into force in 2030. Browning Road predominantly has terraced properties and on street parking is prevalent. So, when a resident swaps their conventional engine car to an electric car and goes to use the EV charging space they will not be displacing parking on that street. Therefore, there is no impact on the current parking behaviour on Browning Road. 2. Following on from consultation with Electric taxi drivers, 39 rapid chargers have been installed city wide which will take them less time to charge their electric taxi's than using the chargers on Browning Road. Commercial EV owners pay the same as private EV owners for the electricity, and for parking generally, therefore there is no subsidised parking involved for commercial vehicles. 3. This Experimental Traffic Regulation Order (ETRO) is about restrictions on the Electric Vehicle parking bays and this point has no relevance to the ETRO 4. This Experimental Traffic Regulation Order (ETRO) is about restrictions on the Electric Vehicle parking bays and this point has no relevance to the ETRO 5. There is no evidence to suggest that the Council's Enforcement Officers would be at greater risk whilst enforcing the parking restrictions that are the subject of these Orders, or that there will be an increase in arguments about parking.

		<p>6. Street news were delivered to all properties on Browning Road</p> <p>This Experimental Traffic Regulation Order (ETRO) is about restrictions on the Electric Vehicle parking bays and this point has no relevance to the ETRO.</p>
<p>2.</p>	<p>The objector is objecting on the grounds of not having enough on street parking on Allesley Old Road. The objector parks on Billing Road and feels that taking two spaces has an impact on them finding parking on Billing Road. The objector would like measures as follows:</p> <ol style="list-style-type: none"> 1. Make their part of Allesley Old Road a permit holding zone, where each household is only allowed to park 1 car. If there are multiple cars in a house, then they can use other streets to park such as old field road etc. Including asking houses with a driveway to park their cars on their driveway rather than the main street <p>OR</p> <ol style="list-style-type: none"> 2. Provide a grant or something else such as a dropped kerb for the houses so that the front of the houses can be converted as Parking 	<p>The provision of electric vehicle charge points on a residential streets is to future proof the city for the increased ownership of electric vehicles, given the ban on petrol and diesel vehicles which comes into force in 2030. Many of the residents of Allesley Old Road currently park their vehicles on street and on the adjoining streets. Allesley Old Road predominantly has terraced properties and on street parking is prevalent. So, when a resident swaps their conventional engine car to an electric car and goes to use the EV charging space they will not be displacing parking on that street. Therefore, there is no detrimental impact on the current parking behaviour on Allesley Old Road.</p> <ol style="list-style-type: none"> 1. There are policies in place to introduce a parking permit scheme and a resident can apply for a residents parking permit scheme by visiting https://www.coventry.gov.uk/info/117/parking/3381/new_permit_scheme where details on how to apply for such a scheme can be found. 2. The process for applying for a dropped kerb crossing to access a private property can be viewed on the Council's website at https://www.coventry.gov.uk/info/121/roads_highways_and_pavements/1767/dropped_kerbs_for_vehicle_access.

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Public report Cabinet Report

Cabinet Member for City Services

26 January 2022

Name of Cabinet Member:

Cabinet Member for City Services – Councillor P Hetheron

Director Approving Submission of the report:

Director of Streetscene and Regulatory Services

Ward(s) affected:

All Wards

Title:

Recommendations Following Consultation over the Department for Transport Statutory Taxi and Private Hire Vehicle Standards

Is this a key decision?

No - although the proposals affect more than two electoral wards, the impact is not expected to be significant.

Executive Summary:

This report provides information to the Cabinet Member for City Services to determine which recommendations should be adopted following Consultation over the Department of Transport Statutory Taxi and Private Hire Vehicle Standards.

Recommendations:

The Cabinet Member for City Services is recommended to:

- 1) Fully adopt the DFT proposal for six monthly driver enhanced DBS disclosures and annual vehicle proprietor and private hire operator (including partners and directors) basic DBS disclosures in the interests of Public Safety and consider on which actions to implement (as detailed in the report).
- 2) Agree the continued promotion of joint authorisation protocols and further discussion with the Taxi Harmonisation Group and Wolverhampton Metropolitan Council.

- 3) Authorise the use of the NAFN NR3 Register of Revocations on the grounds of public safety.
- 4) Confirm that licence holders must notify Taxi Licensing within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.
- 5) Fully adopt the DFT committee guidelines on convictions and request officers to update the current guidelines accordingly.
- 6) Confirm that the current voluntary guidelines on the use of CCTV in Coventry be adopted as policy.
- 7) Agree that a Taxi Licensing Policy document be produced to reflect current policies including any amendments agreed at this meeting.

List of Appendices included:

Appendix A – Consultation Document – Department for Transport Statutory Taxi and Private Hire Vehicle standards

Appendix B – 2006 existing Committee Guidelines on Convictions but incorporating the DFT and Officers recommendations

Appendix C - Current Taxi Licensing Office requirements for Accident Data Recording Devices (ADRD) and CCTV

Background papers:

None

Other useful documents:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report Title – Recommendations following Consultation over the Department for Transport Statutory Taxi and Private Hire Vehicle Standards

1. Context (or background)

- 1.1 In July 2020 the Department for Transport (DFT) published its [Statutory Taxi & Private Hire Vehicle Standards](#).
- 1.2 On the 14 April 2021 the Cabinet Member for City Services approved that 12 weeks consultation should commence with stakeholders concerning areas in the document that Taxi Licensing did not currently undergo.
- 1.3 On the 18 August 2021 this consultation ended with 219 respondees.

2. Recommendation to support DFT proposals to change the requirements for DBS checks and processes for drivers, proprietors and operators as a means of providing the council with better access to information relating to the criminal convictions and suitability of its license holders?

2.1 Drivers

- 2.1.1 The DFT has recommended that local authorities undertake six-monthly enhanced Disclosure & Barring Service (DBS) checks on licensed drivers and that drivers should be encouraged to join the DBS update service. This service enables the licensing authority to have the facility to check the DBS of a driver online to check if there have been any additional convictions.
- 2.1.2 Taxi Licensing currently charges drivers £54 (including a small administrative charge) for an enhanced DBS check which occurs every three years at the same time as the driver renews their licence.
- 2.1.3 Taxi Licensing has always given drivers the option to join the update service but very few have chosen to do it. The DBS charges £13 per annum by Direct Debt for drivers to join the update service. This will mean that once they have undertaken an enhanced DBS check then within 30 days of receiving the enhanced DBS they can apply for the update service. Therefore, after the initial DBS cost of £54 they can save £15 over the three years. This service checks for new offences and information on the Police national computer every week, meaning that a new DBS certificate would no longer be required when renewing a driver licence, providing that the driver remained subscribed.
- 2.1.4 If a driver changes address the certificate remains valid. If a driver changes their name, they will be required to apply for a new DBS certificate and then link this with their old certificate on the update service.
- 2.1.4 Should the certificate status change, indicating a new offence or information, drivers would be required to apply for a new certificate within 48 hours and provide the DBS certificate to Taxi Licensing within seven days of the certificate date.

2.1.5 There are circumstances in which individuals are not permitted by the DBS to subscribe to the update service and it is proposed that they would be subject to an enhanced DBS check every six months. It is proposed that these licence holders are issued a short-term driver licence and badges lasting six months, which are extended by six months upon provision of a new DBS certificate.

2.2 **Vehicle Proprietors and Private Hire Operators**

2.2.1 The DFT has recommended that local authorities require vehicle proprietors, who as a driver do not already undertake an enhanced disclosure, to supply a basic disclosure annually. A basic disclosure is currently not required by Taxi Licensing, however this can be obtained online, if required, by the vehicle proprietor for a cost of £23.

2.2.2 The DFT has recommended that local authorities require private hire operators, who as a driver do not already undertake an enhanced disclosure, to supply a basic disclosure annually. The DFT has also recommended that if it is a company or partnership that has applied then all the directors or partners need also to supply a basic DBS disclosure.

2.3 **Results of the Survey**

76 (34.7%) supported the DFT proposals

132 (60.3%) did not support the DFT proposals

11 (5%) had no opinion

2.4 **Taxi Licensing Recommendation**

2.4.1 Officers recommend fully adopting the DFT proposals as it is easier and cheaper for the driver to subscribe to the update service and once subscribed officers will be able to check the drivers' DBS at any time. Officers recommend that basic disclosures are required for vehicle proprietors and private hire operators as per the DFT proposals. All of these are in the interests of Public Safety.

2.4.2 The Cabinet Member is invited to debate the method of best implementing the DBS update service for existing drivers. The licensing authority must have regard to Standards which state licensed drivers should be required to evidence continuous registration with the DBS update service.

2.4.3 For drivers to subscribe to the Update Service, they must first obtain a new enhanced DBS certificate at a current cost of £54, if they do not have a certificate dated within the last 28 days. There is also the annual subscription fee of £13.

2.4.4. It is proposed that, from 1 January 2022, all new applicants subscribe to the DBS Update Service prior to licence grant and for renewing drivers to evidence subscription prior to licence renewal. This will take three years to implement the Standards but will not require current drivers to purchase an additional certificate partway through their licence. The Cabinet Member may consider that this action to be too slow, so the following optional actions are presented for consideration:

- A. The Cabinet Member could require all existing drivers to evidence continual subscription to the DBS Update Service within six months. This will ensure compliance with the Standards sooner; however, it will immediately require significant resource to check 1,266 DBS certificates for all existing drivers and their subscriptions to the Update Service. It will also cost drivers £67 sooner than they may have otherwise expected. If drivers are non-compliant with this requirement, it will take significant resource to undertake enforcement actions.
- B. The Cabinet Member could wait 12 months before drivers are contacted, to ask for evidence of continual subscription to the DBS Update Service. This would mean a 12-month delay to the implementation of the Standards but would provide drivers with one year's warning about the upcoming cost.
- C. The Cabinet Member could formally approve that "failure to evidence continual subscription to the DBS Update Service" be considered as misconduct. Licences could then be reviewed in consideration of Section F in the Committee's Guidelines on the Relevance of Convictions where "Hackney Carriage and Private Hire Drivers are expected to operate within the laws governing their trade and comply with the requirements and policies of Coventry City Council" which can result in a suspension for up to 3 months.
- D. A combination and/or variation of the above.

3. Recommendation that joint authorisation protocols with other licensing authorities are promoted to allow Coventry City Council to take action against vehicles and drivers that are licensed in other areas?

3.1 Coventry City Council is part of the Taxi Harmonisation Group (taxi licensing areas of all the seven West Midlands Councils) and has discussed joint authorisation protocols between all the West Midlands Councils. The Taxi Harmonisation Group decided that until Conditions of licence were the same between authorities that a joint authorisation protocol could not work in practice. Coventry Taxi Licensing is currently in discussion with Wolverhampton Metropolitan Council to establish joint conditions of licence for private hire drivers and private hire vehicles with a view to formulating joint authorisation protocols.

3.2 Results of the Survey

186 (84.5%) supported the DFT proposal

29 (13.2%) did not support the DFT proposal

5 (2.3%) had no opinion

3.3 Taxi Licensing Recommendation

3.3.1 Officers recommend continued promotion of joint authorisation protocols and further discussion with the Taxi Harmonisation Group and Wolverhampton Metropolitan Council.

4. Recommendation that Coventry City Council implement the Register of Revocations and Refusals to allow other authorities to access this information?

4.1 The Department of Transport recommends that licensing authorities should use the National Anti-Fraud Network (NAFN) NR3 Register of Revocations and Refusals for local authorities whereby revocations and refusals by Committee and/or the Courts are entered onto a register which other local authorities can access.

4.2 The Taxi Harmonisation Group (West Midlands Councils) has agreed that all seven local authorities in the West Midlands will adopt this DFT recommendation.

4.3 Results of the Survey

172 (78.5%) supported the DFT proposal

36 (16.4%) did not support the DFT proposal

12 (5.5%) had no opinion

4.4 Taxi Licensing Recommendation

4.4.1 Officers recommend that the use of the NAFN NR3 Register of Revocations and Refusals is authorised on the grounds of public safety.

5. Recommendation that licence holders inform local authorities within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence?

5.1 The Taxi Harmonisation Group (West Midlands Councils) has agreed that all seven local authorities in the West Midlands will adopt this DFT recommendation.

5.2 Results of the Survey

150 (68.5%) supported the DFT proposal

52 (23.7%) did not support the DFT proposal

17 (7.8%) had no opinion

5.3 Taxi Licensing Recommendation

5.3.1 Officers recommend that licence holders must inform local authorities within 48 hours on the grounds of public safety.

6. Recommendation that the current guidelines are amended and updated to reflect the recommendations in the DfT report (pg. 35) and to assure a consistent approach nationally?

6.1 The current Guideline on the Committee Relevance of Convictions is dated 2006 and although most of the offences listed in the DFT report are detailed within the current guidelines the DFT timelines and suggested actions are more severe for certain offences. The Taxi Harmonisation Group (West Midlands Councils) has agreed that all seven local authorities in the West Midlands will adopt these DFT recommendations as a minimum.

6.2 Appendix C has the 2006 Committee Guidelines for Convictions with the DFT's recommendations and officers' recommendations concerning wheelchairs and cashless card payments incorporated within it (highlighted in yellow). Any 2006 guidelines that have been superseded by the DFT recommendations have been struck through.

6.3 **Results of the Survey**

149 (68%) supported the DFT proposal

43 (19.6%) did not support the DFT proposal

27 (12.3%) had no opinion

6.4 **Taxi Licensing Recommendation**

6.4.1 Officers recommend that the current Committee Guidelines on Convictions are amended and updated to assure a consistent approach nationally and maintain public safety.

7. **Recommendation that CCTV cameras should be a mandatory requirement for all taxis (hackney carriages) and private hire vehicles licensed by Coventry City Council?**

7.1 Coventry City Council does not currently require its licence holders to install CCTV cameras in their vehicles. The DFT considers that the use of CCTV can provide a safer environment for the benefit of both the drivers and users of taxis and private hire vehicles and recommends that authorities identify if the mandatory use of CCTV cameras would have a positive or negative effect on users and drivers. The DFT recommends that CCTV systems should be operated by the Council and be capable of recording both visual and audio data. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only used when passengers (or drivers) consider it necessary such as with the use of panic buttons and/or sensors). Due to the sophistication of these systems a likely cost would be between £500 and £1,000 to the driver/proprietor.

7.2 Coventry City Council allows its vehicle proprietors to have CCTV systems, if required, providing that the proprietor adheres to the CCTV guidance given in the Vehicle Proprietors' Information Document. Also, the vehicle proprietor/driver must register with the Information Commissioner as Data Controller. The current requirements are at Appendix B.

7.3 The Taxi Harmonisation Group (West Midlands Councils) has agreed that all seven local authorities in the West Midlands will make a decision based on the results of the consultation.

7.4 **Results of the Survey**

57 (25.8%) supported the DFT proposal

150 (67.9%) did not support the DFT proposal

14 (6.3%) had no opinion

7.5 **Taxi Licensing Recommendation**

7.5.1 Officers recommend that in view of the survey that CCTV is not made mandatory, however that the current voluntary use of CCTV systems is confirmed as policy.

7.6 **Taxi Licensing Policy**

7.6.1 Although not included in the Consultation the DFT recommended all licensing authorities made a publicly available Policy Document bringing together policies.

7.7 **Taxi Licensing Recommendation**

7.7.1 Officers recommend that a Taxi Licensing Policy document is sanctioned to reflect current policies and any amendments agreed at this meeting.

8. **Results of Consultation Undertaken**

12 week Consultation with stakeholders ending 18 August 2021.

9. **Timetable for implementing these decisions**

9.1 Subject to approval of the recommendations this will commence forthwith unless subject to consultation.

10. **Comments from the Chief Operating Officer (Section 151 Officer) and the Director of Law and Governance**

10.1 **Financial implications**

Taxi Licensing is a ring-fenced budget within the Streetscene & Regulatory Services Directorate. Any additional costs will be paid by the applicant driver. Any on-going impact will be addressed in future fee reviews.

10.2 **Legal implications**

The measures should be put into practice and administered appropriately. The purpose of setting standards is to protect the public when using taxis and private hire vehicles.

11. Other implications

11.1 How will this contribute to achievement of the Council's Plan?

It will help to facilitate improvements in the taxi services available to the people of Coventry, which will contribute towards ensuring that people in wheelchairs are correctly & safely secured in hackney carriages and the taxi drivers licence skills are proficient; making the city a safer place.

11.2 How is risk being managed?

Through established reporting and governance arrangements.

11.3 What is the impact on the organisation?

None

11.4 Equalities / EIA

None

11.5 Implications for (or impact on) Climate Change and the Environment

None

11.6 Implications for partner organisations?

Improvements in taxi services will benefit partner and other organisations, in terms of improving the safety, availability and value for money of taxis in Coventry.

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Names of approvers for submission: (officers and members)				
Cath Crosby	Finance Manager	Streetscene and Regulatory Services	22/12/2021	22/12/2021
Roy Hammond	Criminal and Licensing Solicitor	Law and Governance	22/12/2021	23/12/2021
Andrew Walster	Director of Streetscene and Regulatory Services	-	22/12/2021	12/01/2022
Councillor P Hetherton	Cabinet Member for City Services	-	22/12/2021	12/01/2022

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Consultation - Department for Transport Statutory Taxi and Private Hire Vehicle Standards

The Department for Transport (DfT) published its '[Statutory Taxi & Private Hire Vehicle Standards](#)' on 21st July 2020. Setting out a framework of policies, which aim to better regulate the taxi (hackney carriage) and private hire vehicle sector by developing a national set of core common minimum standards to be used by licensing authorities when exercising their functions.

On 21 April 2021 approval was given by the Councils Cabinet Member for City Services to consult with providers and users of taxis alongside residents and key stakeholders on the proposed changes to the current policy and practices followed by Coventry City Council to meet the standards set out by the DfT prior to implementation.

Published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 the document sets out a framework of policies that any licensing authority in England and Wales "must have regard" to when exercising their functions.

Standards detailed in this document replace previous 2010 Best Practice Guidance issued by the DfT and are expected to be implemented unless there is a compelling local reason not to. Failure to adhere to the standards without significant justification is described as likely to be detrimental to the Councils' defence of any legal challenge in relation to its contents.

Some of the standards highlighted in the DfT document are already covered in Coventry's current processes and this consultation highlights the recommendations that would require amendment to current policy and practice.

Question 1.

How are you responding to this survey?

Coventry City Council Licensed Driver

Coventry City Council Licensed Vehicle Proprietor

Coventry City Council Licensed Operator

A driver, proprietor or operator licensed with another licensing authority

Trade Representation Group

Disability Group

Member of the public

Local Authorities Representation Groups

Business, Business Association or Manufacturers

Other

The Disclosure and Barring Service (DBS)

DBS checks are criminal history checks and are a mandatory screening process for positions involving work with children and vulnerable adults, to ensure that anyone who presents a known risk to vulnerable groups is prevented from working with them. People licensed as drivers of taxis (hackney carriages) and private hire vehicles in Coventry currently have to undergo an enhanced DBS check upon first application and then every three years in line with the renewal of their driver licence.

Drivers

The Department for Transport recommends that driver licence holders should undergo an enhanced DBS check at least every six months to enable licensing authorities' better access to routinely check for new information relating to the criminal convictions of drivers.

Drivers can subscribe to the DBS update service at a cost of £13 per year enabling the council to check the status of a driver's certificate online at any time. Drivers not willing or able to do this would be required to undertake a full enhanced DBS check every six months.

Vehicle Proprietors

The Department for Transport recommends that applicants for vehicle licences should also be required to undertake a basic disclosure from the DBS on application and annually thereafter. This would only apply to vehicle licence applicants and licence holders who are not also drivers and therefore already covered by the enhanced DBS requirement.

Private Hire Operators

The Department for Transport recommends that basic DBS checks be carried out on initial application and annually thereafter for directors and partners in companies that hold operators' licences (where they are not drivers). Additionally, they require that operators have suitable processes in place to ensure that all staff responsible for taking bookings or dispatching vehicles are monitored for suitability and that where work is sub-contracted must be able to evidence that comparable protections are applied by the company to which they outsource the fare

Failure to comply with the requirements highlighted in these proposals would result in a review of the suitability of the individual or organisation to hold a licence.

Question 2.

Do you support the proposals detailed to change the requirements for DBS checks and processes for drivers, proprietors and operators as a means of providing the council with better access to information relating to the criminal convictions and suitability of its license holders?

Yes

No

No opinion

Please use the space below to expand on your answer if you wish to

Enforcing the Licensing Regime

Licensing Authorities carry out compliance checks against their licence holders to ensure that they adhere with the requirements of their licences. Where necessary, enforcement action is taken which can result in the temporary or permanent revocation of licences where they are no longer considered to be "fit and proper".

Cross border hiring is a term used to describe when a private hire taxi lawfully operates in an area outside which it has been licensed. Coventry City Council has no powers to intervene if a vehicle licensed by another authority contravenes the conditions of their licence or provides a poor service, other than to write to the authority that issued the licence.

The Department for Transport recommends that licensing authorities should jointly authorise officers from other authorities to be able to take compliance and enforcement action against licensees from outside of their authority area. This would allow Coventry City Council to take action against vehicles and drivers that are licensed by other participating authorities when they are working in the city.

The Department of Transport recommends that licensing authorities should use the National Anti-Fraud Network (NAFN) NR3 Register of Revocations and Refusals for local authorities whereby revocations and refusals by Committee and/or the Courts are entered onto a register which other local authorities can access.

The Department of Transport recommends that any licence holders inform local authorities within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence?

Guidelines are provided to the Licensing and Regulatory Committee to assist when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The Council's guidelines on the relevance of convictions were adopted on 12th December 2006. The DfT report provides further information on considerations for the assessment of previous convictions, and it is proposed to amend and update the current guidelines to reflect the recommendations in the DfT report (pg. 35) and to assure a consistent approach nationally.

Question 3.

Do you support the proposal to develop joint authorisation protocols with other licensing authorities to allow Coventry City Council to take action against vehicles and drivers that are licensed in other areas?

Yes
No
No Opinion

Please use the space below to expand on your answer if you wish to

Question 4.

Do you support the proposal to implement the Register of Revocations and Refusals to allow other authorities to access this information?

Yes
No
No Opinion

Please use the space below to expand on your answer if you wish to

Question 5.

Do you support the proposal that licence holders inform local authorities within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence?

Yes
No
No Opinion

Please use the space below to expand on your answer if you wish to

Question 6.

Do you support the proposal to amend and update the current guidelines to reflect the recommendations in the DfT report (pg. 35) and to assure a consistent approach nationally?

Yes
No
No Opinion

Please use the space below to expand on your answer if you wish to

CCTV in Vehicles

Coventry City Council does not currently require its licence holders to install CCTV cameras in their vehicles. The Department for Transport considers that the use of CCTV can provide a safer environment for the benefit of both the drivers and users of taxis and private hire vehicles and recommends that authorities identify if the mandatory use of CCTV cameras would have a positive or negative effect on users and drivers.

The Department for Transport recommends that CCTV systems should be operated by the Council and be capable of recording both visual and audio data. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only used when passengers (or drivers) consider it necessary such as with the use of panic buttons and/or sensors).

Question 7.

Do you think that CCTV cameras should be a mandatory requirement for all taxis (hackney carriages) and private hire vehicles licensed by Coventry City Council?

Yes

No

No opinion

Please use the space below to expand on your answer if you wish to

Following the outcome of this consultation any changes will be incorporated with existing processes into a 'Statement of Licensing' for Taxis and private hire vehicles and drivers which will be reviewed every 5 years. The document will update the Council's current processes to reflect the recommendations in the DfT report to ensure a consistent approach nationally and will be publicly available via the Council's website.

Coventry City Council Licensing and Regulatory Committee

1 Guidelines on the Relevance of Convictions etc

The following are the guidelines adopted by the City Council on 12 December 2006, regarding the relevance of criminal convictions, cautions, fixed penalty endorsements, complaints and false declarations to becoming or remaining licensed as a Hackney Carriage or Private Hire driver in Coventry.

General Principles

- 1.1. Each case will be decided on its own merits.
- 1.2. The overriding consideration shall be the protection of the public and all other matters, including unemployment, shall be secondary to the public safety factor.
- 1.3. An individual with a conviction for one or more criminal offences need not be permanently barred from obtaining a licence but should be expected to remain free of further convictions for the periods indicated in these guidelines before an application is favourably entertained. In making a decision, the licensing authority shall take into consideration the number of convictions/cautions, the nature and circumstances of each offence, the age of each conviction/caution, the age of the individual at that time and whether the individual's circumstances have since changed, any mitigating circumstances, any aggravating factors and any other relevant factors.
- 1.4. Offences which took place many years in the past may often have less relevance than recent offences. Similarly, a series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Offences where the victim was a passenger will be regarded with particular concern.
- 1.5. The authority generally considers that offences committed by licensees should be regarded more seriously than offences committed by individuals when not licensed. This is because current licensees have previously been judged as fit and proper and are aware of the standards required of them and are expected to maintain those high standards of personal conduct.
- 1.6. Convictions/cautions are considered equally relevant to both hackney carriage and private hire drivers. Cautions are treated in a similar way to convictions since an individual must have admitted the offence in question in order to have received a caution.
- 1.7. Where the following specific guidelines indicate that the authority may suspend a licence it may do so in circumstances where, despite being satisfied as to an individual's basic suitability to be licensed, the authority still feels it has reasonable cause to strongly register its disapproval of an individual's conduct and to discourage any future repetition of such conduct.
- 1.8. These guidelines may be referred to when considering complaints against individuals, or additional information included in the CRB [DBS] disclosure by the police, where the nature of that complaint or additional information is of a similar nature to the matters covered by these guidelines.
- 1.9. The guideline at F6 may be referred to when considering cases of false declaration where the individual has not been prosecuted.

Specific Guidelines

- 1.10 The following specific guidelines afford an indication of how particular cases involving the consideration of convictions or cautions are likely to be dealt with. Where an individual has more than one conviction/caution recorded against them, the authority will consider the number and nature of convictions and may not necessarily regard the period of time that has elapsed since the last conviction as being sufficient to demonstrate the individual's fitness to be licensed. The following guidelines are not binding on the authority and it is free to depart from them where the particular circumstances of an individual case make it appropriate to do so:

A Traffic Offences

Hackney Carriage and Private Hire Vehicle Drivers are professional drivers. In addition to their duty of care to other road users, they have responsibility for the safe transport of their passengers, and traffic offences should be considered carefully.

OFFENCES	COMMITTED WHILST NOT LICENSED BY COVENTRY CITY COUNCIL		COMMITTED WHILST LICENSED BY COVENTRY CITY COUNCIL		
	Period since Conviction, Caution or completion of Custodial Sentence during which the guideline will apply	Guideline for Applicant <small>(First Grant/Re-Grant)</small>	Period since Conviction, Caution or completion of Custodial Sentence during which the guideline will apply	Guideline for Applicant <small>(Renewal/First Grant/Re-Grant)</small>	Guideline for Licensee <small>(Current licence holder)</small>
A.1 Minor speeding offences up to 3 points. Minor motorway offences. Pedestrian crossings. Traffic direction & signs.	3 years.	Grant with verbal warning. <i>(Normally delegated to officers)</i>	3 years.	Grant with verbal warning. <i>(Normally delegated to officers)</i>	Verbal warning. <i>(Normally delegated to officers)</i>
A.2 Major speeding offences 4 to 6 points. Major motorway offences. Construction and Use offences. Licence offences. Mobile Phone offences. Leaving a vehicle in a dangerous position. Defective eyesight.	3 years.	Grant with written warning.	4 years.	Grant with written warning or grant and suspend for up to 3 months*.	Written warning or suspend for up to 3 months.
A.3 Insurance offences. Disqualified Driver offences. Aggravated taking of a vehicle.	3 years.	Grant with written warning or grant and suspend for up to 3 months*.	4 Years.	Grant with written warning or grant and suspend for up to 4 months*.	Written warning or suspend for up to 4 months.
A.4 Careless driving offence. Failing to report/stop after an accident.	3 years.	Grant with written warning or grant and suspend for up to 4 months*.	4 Years.	Grant with written warning or grant and suspend for up to 6 months*.	Written warning or suspend for up to 6 months.
A.5 Disqualification due to totting up.	2 years from end of disqualification period.	Refuse.	3 years from end of disqualification period.	Refuse.	Revoke.
A.6 Reckless/Dangerous Driving offences.	3 years.	Refuse.	4 Years.	Refuse.	Revoke.
A.7 Using a hand held mobile telephone or hand held device when driving.	5 years.	Refuse.	5 years.	Refuse.	Revoke.
A.8 Drink or Drugs driving offences.	3 years. 7 years.	Refuse. **	4 years. 7 years.	Refuse. **	Revoke. **

* Subject to any right of appeal, a period of suspension shall run from the date of the Licensing Committee hearing or the date by which all application requirements have been met, whichever is the later.

** Any applicant may also have to undergo drugs testing, at their own expense, to demonstrate that they are not using controlled drugs.

B Drug Offences

Drug related offences should be carefully considered as Hackney Carriage and Private Hire Vehicle Drivers are professional drivers and are expected to be fully in control of themselves and their vehicles whilst working or they may have close contact with vulnerable members of the public, e.g. children, young adults and addicts.

OFFENCES	COMMITTED WHILST NOT LICENSED BY COVENTRY CITY COUNCIL		COMMITTED WHILST LICENSED BY COVENTRY CITY COUNCIL		
	Period since Conviction, Caution or completion of Custodial Sentence during which the guideline will apply	Guideline for Applicant <small>(First Grant/Re-Grant)</small>	Period since Conviction, Caution or completion of Custodial Sentence during which the guideline will apply	Guideline for Applicant <small>(Renewal/First Grant/Re-Grant)</small>	Guideline for Licensee <small>(Current licence holder)</small>
B.1 Drug conviction/caution.	4 years.	Refuse.	5 years.	Refuse.	Revoke
B.1 Drug conviction/caution for possession of drugs or related to the possession of drugs	5 years.	Refuse. *	5 years.	Refuse. *	Revoke. *
B.2 Drug conviction/caution for the supply of drugs, or possession with intent to supply or connected with possession with intent to supply.	10 years.	Refuse. *	10 years.	Refuse. *	Revoke. *

* Any applicant may also have to undergo drugs testing, at their own expense, to demonstrate that they are not using controlled drugs.

C Sexual Offences

As Hackney Carriage and Private Hire Vehicle Drivers often carry unaccompanied or vulnerable passengers, applicants with convictions/cautions for sexual offences should be refused a licence until they can show a substantial period free of such conviction/caution. Licensees should have their licence revoked and not be re-granted a licence until a similar substantial period has elapsed.

OFFENCES	COMMITTED WHILST NOT LICENSED BY COVENTRY CITY COUNCIL		COMMITTED WHILST LICENSED		
	Period since Conviction, Caution or completion of Custodial Sentence during which the guideline will apply	Guideline for Applicant <small>(First Grant/Re-Grant)</small>	Period since Conviction, Caution or completion of Custodial Sentence during which the guideline will apply	Guideline for Applicant <small>(Renewal/First Grant/Re-Grant)</small>	Guideline for Licensee <small>(Current licence holder)</small>
C.1 Any sexual offence or currently on the Sex Offenders Register or any barred list.	10 years. No time limit.	Refuse.	15 years. No time limit.	Refuse.	Revoke.

D Violence Offences

As Hackney Carriage and Private Hire Vehicle Drivers have close contact with the public, applicants with convictions/cautions for violence offences should be refused a licence until they can show a substantial period free of such behaviour. Licensees should have their licence revoked and not be re-granted a licence until a similar substantial period has elapsed.

OFFENCES		COMMITTED WHILST NOT LICENSED BY COVENTRY CITY COUNCIL		COMMITTED WHILST LICENSED BY COVENTRY CITY COUNCIL		
		Period since Conviction, Caution or completion of Custodial Sentence during which the guideline will apply	Guideline for Applicant <small>(First Grant/Re-Grant)</small>	Period since Conviction, Caution or completion of Custodial Sentence during which the guideline will apply	Guideline for Applicant <small>(Renewal/First Grant/Re-Grant)</small>	Guideline for Licensee <small>(Current licence holder)</small>
D.1	Assault/Battery.	3 years.	Grant and suspend for up to 4 months* or Refuse.	4 years.	Grant and suspend for up to 6 months* or Refuse.	Suspend for up to 6 months or Revoke.
D.2	Grievous bodily harm.	4 years.	Refuse.	5 years.	Refuse.	Revoke.
D.3	Wounding.	5 years.	Refuse.	6 years.	Refuse.	Revoke.
D.4	Threats to kill.	7 years.	Refuse.	8 years.	Refuse.	Revoke.
D.5	Manslaughter/Murder.	10 years	Refuse.	15 years	Refuse.	Revoke.

* Subject to any right of appeal, a period of suspension shall run from the date of the Licensing Committee hearing or the date by which all application requirements have been met, whichever is the later.

E Dishonesty Offences

Hackney Carriage and Private Hire Drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business-people place in drivers. Moreover, it is comparatively easy for a driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and be considered "fair game" for an unscrupulous driver. For these reasons, a serious view should be taken of any conviction involving dishonesty.

OFFENCES E.g. Theft, Burglary, Handling, Fraud, Forgery, Deception, Making a false statement, Using a conveyance without authority, etc.		COMMITTED WHILST NOT LICENSED BY COVENTRY CITY COUNCIL		COMMITTED WHILST LICENSED BY COVENTRY CITY COUNCIL		
		Period since Conviction, Caution or completion of Custodial Sentence during which the guideline will apply	Guideline for Applicant <small>(First Grant/Re-Grant)</small>	Period since Conviction, Caution or completion of Custodial Sentence during which the guideline will apply	Guideline for Applicant <small>(Renewal/First Grant/Re-Grant)</small>	Guideline for Licensee <small>(Current licence holder)</small>
E.1	Any dishonesty offence where a non-custodial sentence was imposed.	3 years.	Grant and suspend for up to 4 months* or Refuse.	4 years.	Grant and suspend for up to 6 months* or Refuse.	Suspend for up to 6 months or Revoke.
E.2	Any dishonesty offence where a custodial sentence was imposed.	4 years.	Refuse.	5 years.	Refuse.	Revoke.
E.1	Any dishonesty offence or where dishonesty is an element of the offence.	7 years.	Refuse.	7 years.	Refuse.	Revoke.

* Subject to any right of appeal, a period of suspension shall run from the date of the Licensing Committee hearing or the date by which all application requirements have been met, whichever is the later.

F Hackney Carriage/Private Hire Offences

Hackney Carriage and Private Hire Drivers are expected to operate within the laws governing their trade and comply with the requirements and policies of Coventry City Council.

OFFENCES Covered by the: Local Government (Miscellaneous Provisions) Act 1976. Town Police Clauses Act 1847 Any relevant Coventry Local Byelaws.		COMMITTED WHILST NOT LICENSED BY COVENTRY CITY COUNCIL		COMMITTED WHILST LICENSED BY COVENTRY CITY COUNCIL		
		Period since Conviction, Caution or completion of Custodial Sentence during which the guideline will apply	Guideline for Applicant <small>(First Grant/Re-Grant)</small>	Period since Conviction, Caution or completion of Custodial Sentence during which the guideline will apply	Guideline for Applicant <small>(Renewal/First Grant/Re-Grant)</small>	Guideline for Licensee <small>(Current licence holder)</small>
F.1	Any other contravention not mentioned below.	3 years.	Grant with written warning or grant and suspend for up to 3 months*.	3 years.	Grant with written warning or grant and suspend for up to 3 months*.	Written warning or suspend for up to 3 months.
F.2	Plying for hire when licensed as a Coventry private hire driver.	N/A.	N/A.	3 years.	Grant with written warning or grant and suspend for up to 3 months*.	Written warning or suspend for up to 3 months.
F.3	Not wearing ID.	3 years.	Grant with written warning or grant and suspend for up to 6 months*.	3 years.	Grant with written warning or grant and suspend for up to 6 months*.	Written warning or suspend for up to 6 months.
F.4	Plying for hire whilst licensed in another district.	3 years.	Refuse.	N/A.	N/A.	N/A.
F.5	Obstructing an officer.	3 Years.	Refuse.	3 years.	Refuse.	Revoke.
F.6	False Declaration.	3 Years.	Grant and suspend for up to 6 months* or Refuse.	3 years.	Grant and suspend for up to 6 months* or Refuse.	Suspend for up to 6 months or Revoke.
F.7	Driving without any private hire or hackney carriage driver's licence.	5 Years.	Refuse.	N/A.	N/A.	N/A.
F.8	Wheelchair not secured safely/correctly and/or loading procedures not carried out safely/correctly	N/A	N/A	2 years.	Grant and suspend for up to 6 months* or Refuse.	Suspend for up to 6 months or Revoke.
F.9	Refusal to take card payments	N/A	N/A	2 years.	Grant and suspend for up to 6 months* or Refuse.	Suspend for up to 6 months or Revoke.

* Subject to any right of appeal, a period of suspension shall run from the date of the Licensing Committee hearing or the date by which all application requirements have been met, whichever is the later.

G Other Offences

This section includes offences which do not easily fit within one of the above categories but are considered relevant to the suitability of an individual to hold a Hackney Carriage and/or Private Hire Drivers licence.

OFFENCES		COMMITTED WHILST NOT LICENSED BY COVENTRY CITY COUNCIL		COMMITTED WHILST LICENSED BY COVENTRY CITY COUNCIL		
		Period since Conviction, Caution or completion of Custodial Sentence during which the guideline will apply	Guideline for Applicant <small>(First Grant/Re-Grant)</small>	Period since Conviction, Caution or completion of Custodial Sentence during which the guideline will apply	Guideline for Applicant <small>(Renewal/First Grant/Re-Grant)</small>	Guideline for Licensee <small>(Current licence holder)</small>
G.1	Perverting the course of justice.	4 years.	Refuse.	5 years.	Refuse.	Revoke.
G.2	Arson.	4 years.	Refuse.	5 years.	Refuse.	Revoke.
G.3	Possession of a weapon or any other weapon offence.	4 years. 7 years	Refuse.	5 years. 7 years	Refuse.	Revoke.
G.4	Public order offences including Riot, Violent Disorder, Affray, Harassment, Threatening, abusive insulting words, or behaviour etc, Drunk and Disorderly, Breach of the Peace, Obstruct police.	3 years.	Grant and suspend for up to 3 months* or Refuse.	4 years.	Grant and suspend for up to 6 months* or Refuse.	Suspend for up to 6 months or Revoke.
G.5	Criminal damage.	2 years.	Grant and suspend for up to 2 months*.	3 years.	Grant and suspend for up to 4 months*.	Suspend for up to 4 months.
G.6	Refusal to take an Assistance Dog.	4 years.	Grant and suspend for up to 6 months* or Refuse.	3 years.	Grant and suspend for up to 6 months* or Refuse.	Suspend for up to 6 months or Revoke.
G.7	Refusal to take passenger.	4 years.	Grant and suspend for up to 6 months* or Refuse.	3 years.	Grant and suspend for up to 6 months* or Refuse.	Suspend for up to 6 months or Revoke.
G.8	Crimes resulting in Death of another person or serious injury.	No time limit.	Refuse.	No time limit.	Refuse.	Revoke.
G.9	Exploitation or any connection with abuse, exploitation, use of treatment of another individual irrespective of whether victim(s) were adults or children. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse etc.	No time limit.	Refuse.	No time limit.	Refuse.	Revoke.
G.10	Discrimination in any form.	7 years.	Refuse.	7 years.	Refuse.	Revoke.

* Subject to any right of appeal, a period of suspension shall run from the date of the Licensing Committee hearing or the date by which all application requirements have been met, whichever is the later.

4.11 There are no guidelines available to Committee for the conviction listed as 1.

ACCIDENT DATA RECORDING DEVICES (ADRD), DASHCAMS

Proprietors of licensed hackney carriage and private hire vehicles in Coventry are permitted to install an Accident Data Recording Device (ADRD) into their vehicles. An ADRD is a journey recorder which is concealed discretely in the front or rear of a vehicle. It records digitally onto a media card. The card will hold data which consists of speed, braking and collision G-force.

Personal Data

No personal data i.e., words or images are permitted to be recorded either inside or outside the vehicle.

Fitting an ADRD

Such devices should be fitted and maintained in accordance with the guidelines provided by the ADRD supplier and those in this document. It should take account of,

1. Any requirements in respect of the Motor Vehicle Construction and Use Regulation;
2. Safety requirements, including the manufacturer's installation instructions;
3. Passenger and driver safety. The equipment must be designed and installed in such a way as to present no danger to passengers or the driver;
4. The risk of interference to any existing safety, electrical, computers, navigation, satellite or radio system in the vehicle.
5. The data controller must be registered with the Information Commissioners Office (ICO).

In case of Collision

Immediately or as soon as is practicable, after a road traffic collision has occurred, the driver or proprietor should report the accident to the insurance company or appropriate person(s).

Your responsibility to the Taxi Licensing Office

Please note, that as part of your licensing requirement, you have a legal obligation to inform the Taxi Licensing Office, in writing, if the accident damage is of the type defined in the box below.

Sections 50(3) Local Government (Miscellaneous Provisions) Act 1976 states,

If a licensed vehicle is damaged, and that damage affects the safety, performance and appearance of the licensed vehicle or the comfort or convenience of persons carried then the accident MUST be reported in writing within 72 hours of the accident.
--

If you are unsure of the meaning in the above box, please contact the Taxi Licensing Office for advice.

Information Commissioners Officer (ICO)

The ICO is the office responsible for regulating matters relating to Dashcams in licensed vehicles. Responsibility for informing the ICO applies to a specified company, organisation or individual vehicle owner (data controller). The reason for this is that information captured on dashcams is regarded as personal data.

The data controller is required to register and renew yearly with the ICO if they have a dashcam system installed into a licensed vehicle. Documentary proof is required showing that this has occurred and must be produced to the Taxi Licensing Office within 30 days of the initial installation and on annual renewal. Regardless of who processes the dashcam footage the data controller remains legally responsible. Drivers need to register and pay a fee with the ICO if any dashcam device is fitted, as the driver will be the controller of the personal data collected.

N.B. See CCTV cameras for full details regarding registering and use with the ICO.

Requests may be made by the Police or other enforcement agencies entitled to access dashcam footage. The request should be made in writing stating the legislation that permits access and the reason why the disclosure is required.

Requests may be made by members of the public to access dashcam footage if they have been the subject of a recording. A charge of £10 can be made and the request must be in writing. A photograph of the person making the request must be provided as evidence that they are the person shown on the image

A GUIDE FOR THE USE OF CLOSE CIRCUIT TELEVISION) IN HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

The Information Commissioner's Office (ICO) and Surveillance Commissioner have given the strongest possible advice that mandatory CCTV is very difficult for licensing authorities to justify. As such, CCTV is not required by the Taxi Licensing Office, however this policy outlines the requirements for those wishing to voluntarily install CCTV.

These guidelines set out to ensure that CCTV systems installed in Hackney Carriage and Private Hire Vehicles licensed by Coventry City Council are properly managed whilst being used to prevent and detect crime; and enhance the health, safety and security of both Hackney Carriage and Private Hire Vehicles, drivers and passengers. 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.

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 or external to the vehicle. In addition to the standard CCTV camera system these may include for example, such devices as Video Point of Impact System (VPIS), also known as dash cams, events/incident/accident data recording devices.

CCTV prevents and detects crime, reduces the fear of crime, enhances the health and safety of drivers & passengers and assists enforcement agencies to investigate incidents of alleged crime and civil offences. Any images and audio recording should be used for the above purposes only.

Safety Requirements and Installation

The equipment fitted must comply with legislation including the Road Vehicles (Construction and Use) Regulations 1986. The equipment must be constructed and installed in such a way as to present no danger to passengers or the driver at any time. The CCTV equipment must not interfere with any other system within the vehicle e.g. radio, safety controls, navigation, satellite etc.

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.

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

All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers. All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the

luggage carrying capacity of the vehicle.

It is contrary to the Motor Vehicle (Construction and Use) Regulations, 1986, for equipment to obscure the view of the road through the windscreen. Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems, such as autonomous braking systems, which may cause degradation in performance or functionality of such safety systems.

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 Hackney Carriage/Private Hire Vehicle 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. The CCTV equipment should be e-marked or CE marked and be confirmed by the equipment manufacturer as being suitable for use in motor vehicles. The equipment shall be checked for compliance on a regular basis and maintained. These checks should include the quality of image and sound, time and date etc. Any CCTV device installed within the vehicle must be specific for purpose i.e. to provide a safer environment for the benefit of the hackney carriage vehicle/private hire vehicle driver and passengers. Viewing screens to see captured images are not permitted within the vehicle and all wiring must be fitted in accordance with the manufacturer's specifications.

Activation, Recording & Accessibility

Activation of the CCTV equipment can be made in a number of ways e.g. panic buttons, door switches time delay or, in the case of an incident/event recorder, predetermined G-Force parameters set on one or more axis (i.e. braking, acceleration, lateral forces) etc. At no time should the information captured on CCTV be accessible other than by approved encryption software which meets or is higher than the current Federal Information Processing Standard (FIPS) 140-2 standard or equivalent. In addition, the system should have access codes to enhance security.

N.B. Audio recording of conversations is not permitted and any facility to use audio must be disabled.

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 SD cards must be encrypted to the camera device. All images may only be reviewed via a secure network, i.e. images should not be available to view via an MP3/MP4 player or equivalent.

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.

Storage of Images

CCTV images must be stored either within its own hard drive or where a service provider is providing facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signaling to a secure server within the service provider's monitoring centre.

Storing images and sound outside the vehicle is not allowed via any type of portable media device (e.g. CD's or memory sticks etc).

Regardless of which system is used to store CCTV data and sound, it should be stored for a maximum time of 31 days only. All systems should have an automatic overwriting function with a turnaround time of 31 days.

If the data being removed from the CCTV system is undertaken by a service provider, a contract must be in place and cover matters such as security arrangements, keeping/deleting data, access request and arrangements to end the contract. A copy of the contract may be requested by the Taxi Licensing Office at any time.

Data may be retained for longer periods in exceptional circumstances, e.g. insurance claims, 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.

Information Commissioners Officer (ICO)

The ICO is the office responsible for regulating matters relating to CCTV. Responsibility for informing the ICO applies to a specified company, organisation or individual vehicle owner (data controller). The reason for this is that information captured on CCTV is regarded as personal data.

The ICO defines a 'data controller' as the individual or organisation which has ultimate responsibility for how personal data is collected and processed. The law defines a "data controller" as the individual or organisation which has ultimate responsibility for how personal data is collected and processed. For the purpose of the installation and operation of in-vehicle CCTV, the "data controller" is the company, organisation or individual which has decided to have a CCTV system installed and operating within the vehicle. The data controller is ultimately responsible for how the images are stored and used and determines in what circumstances the images should be disclosed.

The data controller is required to register and renew yearly with the ICO if they have a CCTV system installed into a vehicle and also where a CCTV system is installed in order to record incidents *outside* the vehicle (e.g. a Video Point of Impact System (VPIS), known as a dashcam or similar).

It is a legal requirement for organisations and businesses that process personal information to pay a data protection fee to the ICO every year and it is a criminal offence if you don't. The ICO publishes an online register of the organisations and businesses that have paid the fee.

You can find out more about the process by reading the ICO guide to the data protection fee. The level of fee you have to pay varies according to the turnover of your business and the number of employees you have.

Documentary proof is required showing that this has occurred and must be produced to the Taxi Licensing Office within 30 days of the initial installation and on annual renewal. Drivers need to register and pay a fee with the ICO if any CCTV device is fitted, as the driver will be the controller of the personal data collected.

Using recorded CCTV images

The data controller is responsible for complying with all relevant data protection legislation, as well as being legally responsible for the use of all images including any breaches of privacy and data protection legislation.

Any images and/or audio recordings should only be used for the purposes described earlier in these guidelines. Requests to view captured images may be submitted to the data controller by the Police or other statutory law enforcement agencies; the Taxi Licensing Office; insurance companies/brokers/loss adjusters; or exceptionally other appropriate bodies. 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 should only be accepted where they are in writing specifying 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 must only be accepted where they are in writing and include sufficient proof of identity (which may include a photograph to confirm they are in fact the person in the recording). Data Controllers are no longer entitled to charge a fee for a subject access request and must process the request for free. 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.

Where a service provider is used 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. The data controller retains full responsibility for the actions of the data processor.

There must be a formal written contract between the data controller and data processor (service provider). The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements.

Documentary evidence of the contractual arrangements may be required to be presented to a Taxi Licensing Office official at any time during the term of the Hackney Carriage/Private Hire Vehicle licence.

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Cabinet Member for City Services

26 January 2022

Name of Cabinet Member:

Cabinet Member for City Services – Councillor P Hetherton

Director Approving Submission of the report:

Director of Transportation and Highways

Ward(s) affected:

Bablake, Earlsdon, Foleshill, Radford, Westwood, Whoberley

Title:

Petitions Determined by Letter and Petitions Deferred Pending Further Investigations

Is this a key decision?

No. This report is for monitoring purposes only.

Executive Summary:

In accordance with the City Council's procedure for dealing with petitions, those relating to traffic management, road safety and highway maintenance issues are considered by the Cabinet Member for City Services.

In June 2015, amendments to the Petitions Scheme, which forms part of the Constitution, were approved in order to provide flexibility and streamline current practice. This change has reduced costs and bureaucracy and improved the service to the public.

These amendments allow for a petition to be dealt with or responded to by letter without being formally presented in a report to a Cabinet Member meeting.

In light of this, at the meeting of the Cabinet Member for Public Services on 15 March 2016, it was approved that a summary of those petitions received which were determined by letter, or where decisions are deferred pending further investigations, be reported to subsequent meetings of the Cabinet Member for Public Services (now amended to Cabinet Member for City Services), where appropriate, for monitoring and transparency purposes.

Appendix A sets out petitions received relating to the portfolio of the Cabinet Member for City Services and how officers propose to respond to them.

Recommendations:

Cabinet Member for City Services is recommended to:

1. Endorse the actions being taken by officers as set out in Section 2 and Appendix A of the report in response to the petitions received.

List of Appendices included:

Appendix A – Petitions Determined by Letter and Petitions Deferred Pending Further Investigations

Background Papers

None.

Other useful documents:

Cabinet Member for Policing and Equalities Meeting 18 June 2015 report: Amendments to the Constitution – Proposed Amendments to the Petitions Scheme

A copy of the report is available at: modern.gov.coventry.gov.uk.

Has it been or will it be considered by Scrutiny?

No.

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No.

Will this report go to Council?

No.

Report title: Petitions Determined by Letter and Petitions Deferred Pending Further Investigations

1. Context (or background)

- 1.1 In accordance with the City Council's procedure for dealing with petitions, those relating to traffic management, road safety and highway maintenance issues are considered by the Cabinet Member for City Services.
- 1.2 Amendments to the Petitions Scheme, which forms part of the Constitution, were approved by the Cabinet Member for Policing and Equalities on 18 June 2015 and Council on 23 June 2015 in order to provide flexibility and streamline current practice.
- 1.3 These amendments allow a petition to be dealt with or responded to by letter without being formally presented in a report to a Cabinet Member meeting. The advantages of this change are two-fold; firstly, it saves taxpayers money by streamlining the process and reducing bureaucracy. Secondly it means that petitions can be dealt with and responded to quicker, improving the responsiveness of the service given to the public.
- 1.4 Each petition is still dealt with on an individual basis. The Cabinet Member considers advice from officers on appropriate action to respond to the petitioners' request, which in some circumstances, may be for the petition to be dealt with or responded to without the need for formal consideration at a Cabinet Member meeting. In such circumstances and with the approval of the Cabinet Member, written agreement is then sought from the relevant Councillor/Petition Organiser to proceed in this manner.

2. Options considered and recommended proposal

- 2.1 Officers will respond to the petitions received by determination letter or holding letter as set out in Appendix A of this report.
- 2.2 Where a holding letter is to be sent, this is because further investigation work is required of the matters raised. Details of the actions agreed are also included in Appendix A of the report.
- 2.3 Once the matters have been investigated, a determination letter will be sent to the petition organiser or, if appropriate, a report will be submitted to a future Cabinet Member meeting, detailing the results of the investigations and subsequent recommended action.

3. Results of consultation undertaken

- 3.1 In the case of a petition being determined by letter, written agreement is sought from the relevant Petition Organiser and Councillor Sponsor to proceed in this manner. If they do not agree, a report responding to the petition will be prepared for consideration at a future Cabinet Member meeting. The Petition Organiser and Councillor Sponsor will be invited to attend this meeting where they will have the opportunity to speak on behalf of the petitioners.

4. Timetable for implementing this decision

- 4.1 Letters referred to in Appendix A of the report will be sent out in February 2022.

5. Comments from the Chief Operating Officer (Section 151 Officer) and the Director of Law and Governance

5.1 Financial implications

There are no specific financial implications arising from the recommendations within this report.

5.2 Legal implications

There are no specific legal implications arising from this report.

6. Other implications

6.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan)?

Not applicable.

6.2 How is risk being managed?

Not applicable.

6.3 What is the impact on the organisation?

Determining petitions by letter enables petitioners' requests to be responded to more quickly and efficiently.

6.4 Equalities / EIA

There are no public sector equality duties which are of relevance.

6.5 Implications for (or impact on) climate change and the environment

None.

6.6 Implications for partner organisations?

None.

Report author(s)

Name and job title:

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Service:

Transportation and Highways

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Enquiries should be directed to the above person.

Contributor/approver name	Title	Service	Date doc sent out	Date response received or approved
Contributors:				
Rachel Goodyer	Traffic & Road Safety Manager	Transportation and Highways	13/01/22	
Caron Archer	Principle Officer – Traffic Management	Transportation and Highways	13/01/22	14/01/22
Liz Knight	Governance Services Officer	Law and Governance	13/01/22	13/01/22
Name of Approver				
Councillor Hetherton	Cabinet Member for City Services		17/01/2022	17/01/2022

This report is published on the council's website: www.coventry.gov.uk/councilmeetings

Appendix A – Petitions Determined by Letter and Petitions Deferred Pending Further Investigations

Petition No.	Petition Title	No. of signatures	Councillor Sponsor	Type of letter to be sent to petition organiser(s) and sponsor	Actions agreed
E19/21	Residents Parking Permits for Leicester Causeway, Eagle Street and Church Street	14	N/A	Determination	Petitioners to be advised of residents' parking scheme criteria (ward councillor support, less than 40% of parking spaces available during the daytime, at least 60% of households in favour of scheme). Petition required demonstrating that minimum 60% support on each road specified.
E20/21	Speed Bumps on Broomfield Road	32	N/A	Determination	Does not meet the criteria for inclusion in the safety scheme programme (review of personal recorded injury collisions shows none recorded in last three years) and average speeds of less than 30mph. Refer to Community Speed Watch.
28/21	Request for Traffic Calming Measures at Wendiburgh Street, John Rous Avenue, Sheriff Avenue and Mayors Croft	47	Councillor Lapsa	Determination	Does not meet the criteria for inclusion in the safety scheme programme (review of personal recorded injury collisions shows one recorded in last three years). Refer to Community Speed Watch and recommend anti-social behaviour issues are raised with Local Policing Team.
35/21 & E25/21	Traffic Calming on Spencer Avenue, Spencer Road and Newcombe Road	143	Councillor Tucker	Determination	Does not meet the criteria for inclusion in the safety scheme programme (review of personal recorded injury collisions shows none recorded in last three years). Refer to Community Speed Watch.
E38/21	Request for Residents Parking Scheme for Broadmere Rise	13	Councillor Lapsa	Determination	Broadmere Rise would not meet the parking availability criterion for a residents' parking scheme; in addition, residents have access to off-street parking. The Broadmere Rise / Broad Lane junction will be considered for double yellow lines for junction protection.

E26/20	No Parking for Gurdwara Customers in Honeyfield Road, Lewis Road and Edmund Road	18	N/A	Determination	Request meets parking availability criterion for a residents parking scheme (less than 40% of on-street spaces available). Consultation to be undertaken to see if number of households in favour meets 60% threshold.
E22/20	Request for Pedestrian Crossing at Coundon Wedge Drive	655	N/A	Determination	Does not meet criteria for a controlled crossing or safety scheme. Request has been shared with Highway Development Management Team, so that they can take request into account when considering any relevant planning applications.
27/21	Request for Double Yellow Lines in Locke Close	10	Councillor Keough	Holding	Further details of parking issues to be requested.
14/21	Parking Issues – Wildcroft Road/ Broad Lane Junction and Harewood Road and Heathfield Road	21	N/A	Holding	CCTV monitoring to be undertaken.
33/21 & E27/21	Traffic Calming for Treherne Road	88	Councillor Ali	Holding	Speed and origin/destination surveys to be undertaken.
40/21	Parking Problems on Lythalls Lane Due to Businesses	26	Councillor Nazir	Holding	Parking surveys to be undertaken.

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