

Committee: Licensing and Environmental Health Committee
Date: 12 July 2022

Title: CCTV Consultation Document for Licensed Hackney Carriage and Private Hire Vehicles

Report Author: Steve Mahoney, Senior Licensing Compliance Officer
smahoney@uttlesford.gov.uk

1.0 Purpose of Report

- 1.1 To implement the recommendation in the Department for Transport Statutory Standards that Local Authorities should consult on whether CCTV would have a proportionate positive impact on public safety in their district.

2.0 Recommendations

- 2.1 Licensing and Environmental Health Committee is asked to **RESOLVE** to Approve an 8-week public consultation on the Draft CCTV consultation document in Hackney Carriage and Private Hire vehicles as detailed in **Appendix 1**.

3.0 Background and Key Issues

- 3.1 In July 2020, the Secretary of State for Transport issued a new set of 'Statutory Taxi and Private Hire Vehicle Standards' to Licensing Authorities aimed at safeguarding children and vulnerable adults.
- 3.2 The standards set out a range of measures to protect passengers and the Department for Transport required that each Licensing Authority reviewed their policies with a plan to implement the standards.
- 3.3 A review is now being undertaken and this report considers the recommendation in the Statutory Standards about CCTV in Hackney Carriage and Private Hire vehicles.
- 3.4 One of the recommendations, is that "All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of Hackney Carriage and Private Hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues."

- 3.5 The Department for Transport's view is that CCTV can provide an additional deterrent factor to reducing potential risks to public safety and has an investigative value if there is an incident. Its view is that "The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers."
- 3.6 However, the Standards also note that the imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. The report recognises that such a policy could impact on the privacy of the passenger and the driver. In addition, mandatory CCTV will have cost implications to the vehicle licence holder and place a responsibility upon the Council as the data controller for all data captured.
- 3.7 Appendix 1 is the draft CCTV Consultation Document. This report recommends that Committee approves undertaking this consultation for Uttlesford council, the result of which will be reported back so that a decision can be made whether to proceed with developing a mandatory CCTV policy.

4.0 Social Value Considerations

- 4.1 The whole purpose of consulting is to ensure we focus our resources on the things that mean most and bring most value to our residents.

5.0 Environmental Implications

- 5.1 There are no 'Environmental' implications arising out of the recommendations in this report.

6.0 Alternative Options Considered

- 6.1 Members may request for further amendments to be made to the suggested draft CCTV consultation document which they consider suitable for the Committee to consider.

7.0 Reasons for Recommendations

- 7.1 In accordance with the Department of Transport's Statutory Taxi and Private Hire Standards, Uttlesford Council must undertake a consultation to consider whether local circumstances indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of Hackney Carriage and Private Hire vehicle users taking into account potential privacy issues. The outcome of this consultation would then enable the Council to decide whether it would be proportionate to

consider introducing mandatory CCTV. **Appendix 1** is a proposed consultation document.

8.0 Future Work and Conclusions

8.1 If members approve the draft CCTV consultation document then it will go out for an 8 week consultation and any comments will be brought back to the next Licensing Committee.

8.2 The Public consultation will include the trade and relevant agencies.

9.0 Financial Implications

9.1 The recommendations have no impact on the Council's budgets

10.0 Legal Implications

10.1 The Council will need to comply with public law consultation principles and with data protection legislation when undertaking the public consultation on the draft CCTV policy.

11.0 Risk & Opportunity Management Implications

11.1 The risk management implications for this report and Policies are as follows:

- Hackney Carriage and Private Hire Policy is unfair or too prescriptive.
- Consultation inadequate.
- Not to follow the recommendations from the DfT.

CONSULTATION

Mandatory CCTV in licensed vehicles

Introduction

The Department for Transport (DfT) published its Statutory Taxi and Private Hire Vehicle Standards in July 2020 with a strong focus to protect all passengers and users of taxis and private hire transport services.

The statutory guidance makes it clear that the Government expects the recommendations contained within it to be implemented unless there is a compelling local reason not to. Furthermore, it is noted that the statutory standards document sets out a framework of policies that, under section 177(4), licensing authorities “must have regard” to when exercising their licensing and safeguarding functions.

The licensing authorities in Uttlesford are seeking views on the statutory guidance’s requirements with regards to CCTV in licensed vehicles.

This consultation follows previous work by the licensing authorities in Uttlesford to adopt common licensing standards for taxi and private hire drivers, vehicle proprietors and operators.

Responding to the consultation

The consultation will be open for xx weeks from xx 2022 to xx 2022

Your responses can be submitted in writing either by email to:

licensing@uttlesford.go.uk

by post to:

Licensing Section
Uttlesford District Council
London Road
Saffron Walden
Essex
CB11 4ER

CCTV in licensed vehicles

The DfT's Statutory Taxi and Private Hire Vehicle Standards states that:

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

The DfT's view is that CCTV can provide additional deterrence to prevent the potential risk to public safety when passengers travel in taxis and private hire vehicles and has investigative value when it does. Its view is that *“The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers.”*

To this end, the licensing authorities in Uttlesford are conducting an initial consultation to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults. In addition, the consultation is seeking views on whether it would be proportionate for the installation of CCTV to be made a mandatory condition of a vehicle licence. Any decision to make it a mandatory condition will take account of the benefits to public safety as well as any adverse effects including potential privacy concerns and costs to the licensed vehicle holder.

Consultation Questions

Please complete the consultation survey if you want to respond to this consultation.

Next Steps

We will analyse the consultation feedback to decide if there is local evidence to support a mandatory requirement for CCTV in licensed vehicles.

Where we consider there to be such a requirement, we will undertake further consultation and engagement with the licensed trade and key stakeholders to develop a CCTV policy and specifications for CCTV systems.

We will continue to communicate with the licensed trade on the outcome of this consultation and next steps.

Proposed survey questions

General

1. Full name
2. Email address
3. Capacity
 - a. Taxi licence holder
 - b. PH licence holder
 - c. PH operator
 - d. Councillor
 - e. Essex Constabulary
 - i. Specify which department
 - f. Essex Police and Crime Commissioner
 - g. Essex County Council
 - i. Specify which department
 - h. Other
 - i. Please specify

Safety of passengers

4. Do you agree that CCTV in licensed vehicles will benefit the safety of passengers using licensed vehicles?
 - a. Yes/No
 - b. Please explain the reason for your answer
5. Do you agree that additional audio CCTV recording in licensed vehicles will benefit the safety of passengers using licensed vehicles?
 - a. Yes/No
 - b. Please explain the reason for your answer

6. Do you have any local examples of when CCTV (video or audio) was or could have been beneficial to the safety of passengers using licensed vehicles?
 - a. Yes/No
 - b. If yes, please give details

Safety of licensed drivers

7. Do you agree that CCTV would benefit safety of the licensed driver?
 - a. Yes/No
 - b. Please explain the reason for your answer

8. Do you agree that additional audio CCTV would benefit the safety of the licensed driver?
 - a. Yes/No
 - b. Please explain the reason for your answer

9. Do you have any local examples where CCTV (video or audio) did or could have benefited the safety of the licensed driver?
 - a. Yes/No
 - b. If yes, please give details

Reducing fear of crime

10. Do you agree that video CCTV recording would reduce the fear of crime?
 - a. Yes/No
 - b. Please explain the reason for your answer

11. Do you agree that additional audio CCTV recording would reduce the fear of crime?
 - a. Yes/No
 - b. Please explain the reason for your answer

12. Do you have any local examples where CCTV did or could have reduced the fear of crime?
 - a. Yes/No
 - b. If yes, please give details

Adverse effect on safety of passengers

13. In your opinion, are there any adverse effects on the safety of passengers, including children or vulnerable adults, by installing CCTV in licensed vehicles?
- a. Yes/No
 - b. If yes, please explain

Privacy

14. In your opinion, are there any adverse effects on the safety of passengers, including children or vulnerable adults, by installing CCTV in licensed vehicles?
- a. Yes/No
 - b. If yes, please explain

15. In your opinion, are there any adverse effects on the privacy of passengers, including children or vulnerable adults, by installing CCTV in licensed vehicles?
- a. Yes/No
 - b. If yes, please explain

16. In your opinion, do the benefits to the public safety outweigh any adverse effect on privacy?
- a. Yes/No
 - b. If yes, please explain

Costs to licence holders

17. In your opinion, do the benefits to public safety outweigh the costs that would be incurred by the licensed vehicle drivers by installing CCTV in licensed vehicles?
- a. Yes/No
 - b. If yes, please explain

Other adverse effects

18. Are there any other adverse effects from installing CCTV in licensed vehicles?
- a. Yes/No
 - b. If yes, please explain

Local circumstances to support mandatory CCTV

19. Overall, do you think that there are local circumstances that would make it proportionate to make it a mandatory requirement for all licensed vehicle operators to install CCTV
- a. Yes/No
 - b. Please explain the reason for your answer

Mandatory video only or video and audio

20. If yes to question **xx** do you think that mandatory CCTV should be video recording only or video and audio
- a. Video/video and audio
 - b. Please explain the reason for your answer

Extra Questions for licence holders

21. Do you have an Essex County Council contract?
- a. Yes/No
22. Do you have a CCTV system installed in your current licensed vehicle?
- a. Yes/No
 - b. If yes,
 - i. Please specify if it is video OR video and audio recording?
 - ii. Are you registered with the ICO (Information Commissioners Office)? Yes/No
 - iii. Do you display signage in your vehicle making it clear to passengers that CCTV is in operation? Yes/No
 - iv. Have passengers ever made positive comments about CCTV in operation? Yes/No. If yes, please explain.
 - v. Have any passengers ever objected to CCTV being in operation? Yes/No. If yes, please explain.

vi. Are you satisfied that the data that you capture on your CCTV is kept secure? Yes/No. Please explain.

Other Comments

Do you have any other comments to make?