

<b>Meeting:</b>	<b>Licensing and Enforcement Committee</b>	<b>Date:</b>	<b>13 September 2022</b>
<b>Subject:</b>	<b>Response to the Draft County CCTV consultation document for Licensed Hackney Carriage and Private Hire Vehicles</b>		
<b>Report Of:</b>	<b>Head of Communities</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>Yes</b>	<b>Budget/Policy Framework:</b>	<b>Yes</b>
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<b>Appendices:</b>	<b>Appendix 1 - Draft County CCTV consultation Document</b>		
	<b>Appendix 2 – Responses to the consultation Document</b>		

## FOR GENERAL RELEASE

### 1.0 Purpose of Report

- 1.1 To present the result of the consultation feedback on the draft County CCTV consultation document in Hackney Carriage and Private Hire vehicles.

### 2.0 Recommendations

- 2.1 Licensing and Enforcement Committee is asked to **RESOLVE** to

- 1) Note the consultation feedback and delay any decisions to mandate the use of CCTV within licensed Hackney Carriage and Private Hire vehicles for 12 months until further information can be provided on the cost, what systems to be used and the legality on introducing such a condition.

And:-

- 2) Request Officers to engage with the trade through the Hackney Carriage and Private Hire trade meetings to better understand their thoughts following the poor response from them to the CCTV consultation document.

### 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 In September 2021, the Licensing and Enforcement Committee adopted the Gloucestershire Common Standards for Hackney Carriage and Private Hire Licensing for Gloucester City. These Common Standards reflected the first stage of work undertaken by The Gloucestershire Licensing Officer Group (GLOG) to consider and comply with the Statutory Standards issued by the Department of Transport in 2020. The Common Standards mainly related to drivers and safeguarding issues.
- 3.4 Following on from that work last year a second stage of the review is now being undertaken. This report considers the recommendation in the Statutory Standards about CCTV in Hackney Carriage and Private Hire vehicles.
- 3.5 One of the recommendations, not yet considered by Gloucester City Council, 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.”
- 3.6 The Department for Transport’s view is that CCTV can provide an additional deterrence to prevent the potential risk 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.”
- 3.7 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 introduce a responsibility to the Council to be the data controller for all data captured.
- 3.8 The Gloucestershire Licensing Officers Group drafted a county consultation document that each authority used to consult on this matter. The aim of the consultation was to identify if there is local evidence that would support each local authority introducing a mandatory CCTV policy. This document can be seen in **Appendix 1**.
- 3.9 At the Licensing and Enforcement Committee held on the 14 June 2022, members approved the draft CCTV Consultation Document in Licensed Hackney Carriage and Private Hire Vehicles for an 8 week consultation period.
- 3.10 The draft CCTV document was consulted on from 28 June 2022 to 23 August 2022
- 3.11 A consultation text message was sent to all Licensed drivers and an email to Operators outlining where to see the draft CCTV document on the City Councils website.

3.12 The following organisations were also consulted:

- The Police
- The PCC
- Richard Graham
- Gloucestershire County Council
- All Gloucester City Council Councillors
- Gloucestershire Royal A & E

3.13 Eight responses were received during the consultation period of which only four were either a driver or Private Hire Operator. Copies of these responses can be seen in **Appendix 2**.

3.14 The first response was from a Private Hire Operator who did not complete the questionnaire within the draft document stating they did not want CCTV in their vehicles as they are a chauffeur service. The reason being is that they drive some very high level clients who may have confidential conference calls whilst in their vehicles. The Operator went on to say that these clients have already expressed their concern regarding having CCTV in the vehicles.

3.15 The second response was from another Private Hire Operator who completed the questionnaire and was in favour of a mandatory condition for CCTV to be installed in Licensed vehicles. The Operator already has CCTV fitted as they have a Gloucestershire County Council school contract. The contract mandates that they are fitted with CCTV before they are approved to undertake any work for the County.

3.16 The third response was from the Police Licensing Officer who states the Police would support such a proposal as there are crimes every year where allegations are made concerning a driver. They would like to see the CCTV also recording audio.

3.17 The fourth response was from a Gloucester City Councillor who was in favour of licensed vehicles having CCTV installed.

3.18 The fifth response was from a Licensed Hackney Carriage Driver who currently has CCTV installed within their vehicle but does not support it being a mandatory condition as they do not want the recording being on constantly. They also believe that it will be an extra cost to the trade if it was made mandatory.

3.19 The sixth response was from the Integrated Transport Unit at Gloucestershire County Council who completed the CCTV questionnaire and are in favour of a mandatory condition for all licensed vehicles being fitted with CCTV and also the recording of audio. They introduced a mandatory condition on all contracted transport in 2019. This have proven to be a success.

3.20 The Seventh response was from Gloucester Neighbourhood Policing Team who completed the CCTV questionnaire and are in favour of mandating CCTV in licensed vehicles.

3.21 The eighth response is from a Licensed Hackney Carriage driver who states that more discussion should take place with the trade and the Council before any final decisions are made.

#### **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 information before making a final decision on mandating CCTV in licensed vehicles.

#### **7.0 Reasons for Recommendations**

7.1 See recommendations in Paragraph 2.1.

#### **8.0 Future Work and Conclusions**

8.1 If members Note the consultation feedback and delay any decisions to mandate the use of CCTV within licensed Hackney Carriage and Private Hire vehicles for 12 months, it will allow Officers to research the cost, what systems to be used and the legality on introducing CCTV as a condition.

#### **9.0 Financial Implications**

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

(Financial Services have been consulted in the preparation this report.)

#### **10.0 Legal Implications**

10.1 There are no legal implications to this report if members note the consultation feedback.

(One Legal have been consulted in the preparation this report.)

#### **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.

#### **12.0 People Impact Assessment (PIA):**

12.1 The screen stage considered risks to customers in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion. therefore, a full PIA was not required.

### **13.0 Other Corporate Implications**

#### Community Safety

13.1 None

#### Sustainability

13.2 None

#### Staffing & Trade Union

13.3 None

### **Background Documents:**

Department for Transport Statutory Taxi & Private Hire Standards