

<b>Meeting:</b>	<b>Licensing and Enforcement Committee</b>	<b>Date:</b>	<b>14 June 2022</b>
<b>Subject:</b>	<b>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>No</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>		

## FOR GENERAL RELEASE

### 1.0 Purpose of Report

- 1.1 The recommendation in the Department for Transport Statutory Standards is 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 Enforcement Committee is asked to **RESOLVE** to

Approve an 8 week public consultation on the Draft County 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 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 reflect a 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 have drafted a county consultation document that each authority can use to consult on this matter. The aim of the consultation is to identify if there is local evidence that would support each local authority introducing a mandatory CCTV policy.
- 3.9 The intention is that each of the Gloucestershire Licensing Authorities will use the same consultation document and consult at the same time. However, local outcomes to consultation may be different and each authority will need to make its own decision, based on local evidence, whether to introduce a mandatory approach.
- 3.10 Appendix 1 is the draft County CCTV Consultation Document. This report recommends that Committee approves undertaking this consultation for Gloucester City, 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 County 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, Gloucester City 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 drafted by GLOG.

## **8.0 Future Work and Conclusions**

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

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

## **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.

(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

# 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 Gloucestershire 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 Gloucestershire 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@gloucester.gov.uk](mailto:licensing@gloucester.gov.uk) or by post to:

Licensing Section  
Gloucester City Council  
PO Box 3252  
Gloucester  
GL1 9FW

## Privacy Statement

Please refer to the [Data protection - Gloucester City Council](#) for more information on how we may process your personal information.

## 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 Gloucestershire 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 the installation of CCTV to be made a mandatory condition of a vehicle licence. Any decision to make it 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. Gloucestershire Constabulary
    - i. Specify which department
  - f. Gloucestershire Police and Crime Commissioner
  - g. Gloucestershire 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 the 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 privacy 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 licensed vehicle drivers by installing CCTV in licensed vehicles?
  - a. Yes/No
  - b. If Yes, please explain
16. In your opinion do the benefits to 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 licensed vehicle drivers by installing CCTV in licensed vehicles?
  - a. Yes/No
  - b. If Yes, please explain

#### Other adverse effects

16. 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

17. 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
- c. Yes/No
  - d. Please explain the reason for your answer

#### Mandatory video only or video and audio

18. If yes to question 18 do you think that mandatory CCTV should be video recording only or video and audio
- e. Video/ video and audio
  - f. Please explain the reason for your answer

#### Extra Questions for licence holders

1. Do you have a Gloucestershire County Council Contract?
- a. Yes/No
2. 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 on 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?

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