

LICENSING COMMITTEE	AGENDA ITEM No. 4
18 SEPTEMBER 2014	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Nigel North	
Contact Officer(s):	Licensing Manager Adrian Day Strategic Regulatory Services Manager Peter Gell	Tel. 454437 Tel. 453429

CCTV IN HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES TAXI LICENSING

RECOMMENDATIONS	
FROM : The Licensing Team Licensing Manager Adrian Day	Deadline date :
<p>1. For the committee to approve the removal of the mandatory requirement for hackney carriage and private hire vehicles to have CCTV fitted, and instead make the installation of CCTV optional.</p>	

1. ORIGIN OF REPORT

- 1.1 This report is the result of the need to review all policies on a regular basis.
- 1.2 There is a need for officers to review the Hackney Carriage and Private Hire Licensing Policy in order to ensure that it remains appropriate and fit for purpose.

2. PURPOSE AND REASON FOR REPORT

- 2.1 It is essential that all policies are current and fit for purpose in order for any regulation to be effective. Therefore it is good practice to review policies on a regular basis in order for the policy to be appropriate and up to date and fit for purpose.
- 2.2 Following a consultation with all stakeholders, on 10 March 2009 a report was presented to the Licensing Committee recommending the adoption of CCTV as a compulsory requirement; this was agreed by the committee.
- 2.3 For the decision to be formally implemented it is a requirement for formal notice to be given to the trade, to date this has not happened.
- 2.4 The Information Commissioner's Office (ICO) has since challenged other local authorities setting the same mandatory requirement, and the notices service have been unsuccessfully challenged at tribunal.
- 2.5 The committee officers therefore request to reverse the original decision insofar as making CCTV optional instead of mandatory.

3. TIMESCALE

Is this a Major Policy Item /Statutory Plan?	No
--	-----------

4. BACKGROUND INFORMATION

- 4.1 All councils have different policies in relation to Hackney Carriage and Private Hire Vehicles in order to regulate the service in accordance with local requirements. A policy which is deemed appropriate in one locality may not meet the requirements or expectations within another locality.
- 4.2 It is good practice to review all policies from time to time in order to ensure that the policy adopted remains fit for purpose, takes in to account any changes in legislation, or to consider any other factors that may have an affect on the service to which the policy relates.
- 4.3 In response to a number of incidents against our licensed drivers, Cambridgeshire Police in 2008 set up a monthly Taxi Issues Meeting. This group being chaired by Cambridgeshire Constabulary was also attended by Councillors, Peterborough Mediation, and Peterborough Racial Equality Commission, representatives from the hackney and private hire trade and council officers.
- 4.4 After a number of meetings the group highlighted on 6 November 2008 that the installation of CCTV could be a possible solution and were supportive of the installation being made compulsory.
- 4.5 Following a consultation with all stakeholders, on 10 March 2009 a report was presented to the Licensing Committee recommending the adoption of CCTV as a compulsory requirement; this was agreed by the committee.
- 4.6 For the decision to be formally implemented it is a requirement for formal notice to be given to the trade. This to date has not happened, at the time there were also significant protests and blockades of council offices with particular concerns relating to the funding of the CCTV. Secondary to this concerns were raised regarding specialist vehicles such as corporate or airport vehicles being forced to have CCTV installed.
- 4.7 The department was asked to explore additional funding options that could support the implementation and offset the costs for the drivers; all attempts to secure funding from various sources were unsuccessful. With many public and private organisations struggling to maintain services within budgetary restraints the opportunity for funding in order to support the installation of the equipment is not available.
- 4.8 The councils Licensing Committee have previously agreed officer recommendations to make the installation of CCTV in all Hackney Carriages and Private Hire Vehicle's mandatory, however the recommendations to date have not been implemented.
- 4.9 Since the recommendations were made to the committee there has been a dramatic downturn in the economy that has had a major effect on the industry, with both sectors of the trade reporting a major fall in the number of fares being undertaken. Due to the current economic climate and the continued reduction in the economy it is anticipated that the trade members are not in a position to provide the financial outlays required by them to fund the installation of CCTV.
- 4.10 The Information Commissioners Office (ICO) has served notice on Southampton and Oxford Council's for implementing the very same requirements, the reason being the ICO is of the opinion that requiring taxi operators to record all conversations and images while the vehicles are in use is disproportionate, audio must only be recorded for a few minutes at a time.
- 4.11 Southampton unsuccessfully appealed the notice at tribunal and has now made the recording of audio driver controllable instead of continuous for a period of up to 5 minutes, however this does not allow the passenger to instigate this process.

- 4.12 Oxford however on being served notice from the ICO reviewed its policy and made the requirement for CCTV optional instead of mandatory and issued guidance for the installation of CCTV.
- 4.13 It can be assumed that the installation of CCTV in vehicles can act as a deterrent against crime on both the passenger and the driver, or as support when investigating an alleged crime. However there are many views on what a reasonable specification would be for equipment and what criteria should be expected. It can also be assumed that audio would provide a key part in many investigations and therefore to not have this facility would reduce the effectiveness of CCTV.
- 4.14 It is considered that to have the full benefits of CCTV then the system should record both audio and video at all times the vehicle is in motion. Taking this in to consideration and the notices already served on other council's for attempting to implement the same requirement, the financial outlay required to install CCTV in the current fleet of vehicles somewhere in excess of £300k, then the appropriate action at this time would be to make CCTV optional rather than mandatory.

5. CONSIDERATIONS

The committee should consider the implications, risks and consequences of amending the original decision to make the installation of CCTV mandatory, in particular any related to safety.

6. RISKS

There have been no risks identified within the recommendation of this report as the original recommendation has not been formally implemented.

7. ANTICIPATED OUTCOMES

The Licensing Committee to make decision and this will form part of the Taxi and Private Hire Licensing Policy / Guidance document.

8. REASONS FOR RECOMMENDATIONS

- To comply with statutory requirements regarding the regular review of licensing policies.
- To ensure that the policies and procedures continue to be fit for purpose.

9. ALTERNATIVE OPTIONS CONSIDERED

- Retain the status quo.

10. IMPLICATIONS

Corporate Resources

Financial – There are costs associated with undertaking a review of a policy, however there are also costs associated where a policy is challenged due to it not being fit for purpose.

Legal – Legal support has been provided by the council's legal team regarding the provision of advice and guidance on taxi licensing matters and the requirements of the consultation.

Corporate Priorities: Environment Capital
Crime and Disorder / Community Safety
Discrimination and Equality – none arising from this report
Human Resources – none arising from this report
ICT – none arising from this report
Property – none arising from this report

Procurement – none arising from this report

Risk Assessment

Risks associated with policy changes will be assessed, and remedial actions identified where necessary. None identified.

An equality impact assessment was undertaken prior to submitting policy changes for adoption.

Policy changes will not have a disproportionate effect on any of the members of the equality groups.

BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

The Local Government (Miscellaneous Provisions) Act 1976

The Town and Police Clauses Act 1847

Equality Act 2010