

LICENSING COMMITTEE	AGENDA ITEM No. 4
12 SEPTEMBER 2024	PUBLIC REPORT

Report of:	Rob Hill Service Director: Housing and Communities	
Cabinet Member(s) responsible:	Cabinet Member for Housing and Communities - Councillor Alison Jones	
Contact Officer(s):	Jacqui Harvey, Head of Environmental Health, Licensing & Housing Standards Adrian Day, Acting Licensing Manager	Tel. 07825 867187 Tel. 01733 864068

MANDATORY USE OF CCTV IN HACKNEY & PRIVATE HIRE VEHICLES

RECOMMENDATIONS	
FROM: Licensing Committee	Deadline date: <i>Enter relevant date for action – e.g. date of report to another body/meeting</i> Full Council 16th October 2024
<p>It is recommended that Licensing Committee:</p> <ol style="list-style-type: none"> 1. Notes the consultation responses and officer comments. 2. Agrees any amendments to the Hackney Carriage and Private Hire Policy arising from the consultation feedback. 3. Recommends and endorses the mandatory use of CCTV in Hackney & Private Hire Vehicles for adoption with delegation of authority to the Head of Environmental Health, Licensing & Housing Standards and to the Licensing Manager to determine the final technical specification. 4. Requires this mandate to come into force if approved as a phased-in approach to give proprietors time to comply once the policy is live. No sooner than 12 months after the decision and no later than 18 months. 5. Approves and recommends adoption to Full Council the revised policy as detailed in the report and attached at Appendix 2 	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Licensing Committee following Council agreed to adopt the current Peterborough taxi and private hire licensing policy which was at the leading edge of best practice, regional standards and Government guidance in force at that time on the committee meeting on the 7 July 2022 and the policy became effective from this date.

The policy also encouraged the use of CCTV in licensed vehicles but did not make it a mandated condition of licence.

The Local Government (Miscellaneous Provisions) Act 1976 allows a district council, on the receipt of an application from the proprietor of any vehicle, to grant such a vehicle a licence permitting its use as a hackney carriage or private hire vehicle.

Section 47 of the Act dictates that a district council may attach to the grant of a licence of a hackney carriage under the Town and Police Clauses Act of 1847 such conditions as the district council may consider reasonably necessary.

Section 48 of the Act dictates that a district council may attach to the grant of a private hire vehicle licence such conditions as they may consider reasonably necessary.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is for the licensing committee to give full consideration of the conclusions and recommendations following a detailed Public Consultation

Consultation Started: 06 Nov 2023 - Consultation Ended: 02 Feb 2024

Council agreed to adopt the current Peterborough taxi and private hire licensing policy which was at the leading edge of best practice, regional standards and Government guidance in force at that time on the committee meeting on the 7 July 2022 and the policy became effective from this date. The policy also encouraged the use of CCTV in licensed vehicles but did not make it a condition of licence.

Upon implementation of the policy, it was determined that the Licensing team would then undertake a separate consultation specific to the mandatory use of CCTV in all taxis (Hackneys) and private hire vehicles considering whether local circumstances exist that indicate that the installation of CCTV in vehicles would have a positive or an adverse net effect on the safety of taxi and PHV users, including drivers, children and/or vulnerable adults.

In recent years some local authorities have introduced a requirement for mandatory CCTV in licensed taxis, in response to local issues where CCTV could make a difference. Peterborough City council have been asked to consider this on several previous occasions but at the time did not get committee agreement or approval to have this mandatory requirement listed on the licensing conditions for applicants.

[The Department for Transport \(DfT\) published statutory guidance in July 2020](#) which provides a strong focus to protect all passengers and users of taxis and private hire services.

This guidance, which the Council has a statutory obligation to have regard to, clearly demonstrates that authorities are expected to introduce mandatory CCTV in taxis unless there is a compelling local reason not to.

Licensing Committee members previously considered a taxi policy (Appendix 1) and approved it for public consultation with respect of CCTV in vehicles. In doing so they concluded there were insufficient local reasons to prevent the policy being introduced.

The consultation has now closed, and members are asked to consider the responses.

- 2.2 This report is for Licensing Committee to consider under its Terms of Reference No. 2.5.2.3 (a). To exercise the functions of the authority as listed in Schedule 2.5.5, where these are not delegated to officers as listed at section 2.5.5,1 namely hackney carriage and private hire vehicle licensing

3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	YES/NO	If yes, date for Cabinet meeting	
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4. **BACKGROUND AND KEY ISSUES**

- 4.1 The Department for Transport (DfT) published statutory guidance in July 2020 which provides a strong focus to protect all passengers and users of taxis and private hire services as detailed below.

There is evidence to support the view that taxis and private hire vehicles (PHV) are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers – [data from Greater Manchester](#) and [data from Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 % in the [Crime survey for England and Wales](#).

The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday – and the term vulnerable individual has the same meaning as the definition of a vulnerable adult for the purpose of [Section 42 of the Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):

- has needs for care and support (whether or not the authority is meeting any of those needs)
- is experiencing, or is at risk of, abuse or neglect
- as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it

Whilst the focus of the statutory taxi and private hire vehicle standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There

is consensus that common core minimum standards are required to better regulate the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups.

The Department for Transport (DfT) therefore expects these recommendations to be implemented and maintained unless there is a compelling local reason not to.

All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working together to safeguard children](#) statutory guidance.

The statutory taxi and private hire vehicle standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the DfT best practice guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed, safeguarding children and vulnerable adults, the Immigration Act 2016 and Common Law Police Disclosure (which replaced the notifiable occupations scheme).

Peterborough city council will also have, as detailed in the consultation consideration of the fairness of such an implementation including the freeness of any implementation for all vehicles affected from individual drivers to larger operators.

Including but not limited to:

- a) The costs to purchase, install and annually maintain the CCTV equipment would fall to the vehicle proprietor. Any CCTV systems already installed in licensed vehicles would need to meet Peterborough City Councils specification.
- b) We would take a phased-in approach to give proprietors time to comply once the policy is live. No sooner than 12 months and no later than 18 months.
- c) The policy would be amended, and conditions would be attached to driver and vehicle licenses regarding installation and use of the equipment
- d) We would require licensed drivers to ensure that CCTV is always operational when 'on duty' in their role of conveying paying passengers in a licensed vehicle. This includes waiting on a rank, when going to collect a fare and returning from a drop off, even though no passengers are in the vehicle. An exemption may be applied for speciality / executive vehicles.
- e) As the policy will require all licensed vehicles to have CCTV in operation when 'on duty' (unless exempted), the driver cannot undertake any fare paying journeys without CCTV operating, even if the passenger requests or insists that it is switched off, unless there is an extreme medical emergency.
- f) The driver will be able to switch off the CCTV when the vehicle is 'off duty' and being used solely for social and domestic purposes - i.e. not being used for paying passengers.

- 4.2 The consultation received 455 * Online survey responses, 288 of which are from those within the trade, set out in the Power Bi tables in Appendix 1.

The majority of representations from the trade fall broadly into three themes:

- (1) The installation of the system will be costly (some consider it unaffordable). This is particularly compounded by the impact that the pandemic has had on the taxi trade.
- (2) A small number of Operators deal wholly or predominantly with executive business clients and do not undertake “ordinary” taxi work.
- (3) The presence of CCTV recording in the vehicles could undermine client confidentiality and damage their business, and how exemptions may be applied needs to be considered.
- (4) *Combined responses from online survey*, petition, emails, social media, Trade Federation meeting. No 678 (288 trade) Yes 139*

Attached in Appendix 1 are the consultation responses, grouped by the nature of the comments received.

- 4.3 The other responses were from the passengers, passenger transport, identifying possible errors in the technical specification, and the Police for Cambridgeshire who supports mandatory CCTV being introduced.

There was also a detailed and verbal representations’ meeting with detailed minutes with the Joint Trade Federation for PHV & Hackney lead by the Head of Service for licensing and at the request of the federations on the 21 December 2023 found in Appendix 5 of this report.

- 4.4 Summary of Responses

Should CCTV be mandated?

Combined responses from online survey*, petition, emails, social media, Trade Federation meeting NO 678 YES 139

Main objections

- Privacy to drivers’ families when vehicle in use privately
- Passenger privacy
- Cost

Main support reasons

- Passenger safety - specific mention made by 3 respondents who identified themselves as women said they felt vulnerable in vehicles and 1 of these alleged she had been sexually assaulted by a driver

Other measures that could achieve same the same aim as CCTV /Comments given

- Out of 453 responses to this question in the online survey, 261 think other measures could be taken (see final page of the survey report Appendix 1)
- The majority of these think there should be more Police (in terms of presence and in response to incidents which occur).

- The next highest response was to make sure Drivers improve their behaviour when driving, wear their badges or undertaking more regular checks and/or training
- Representations/statements made during the Federation Meeting
- Hackney Carriage (HC) and Private Hire (PH) federations: The best option if CCTV was to be brought in would be that it is a discretionary scheme as opposed to a mandated scheme. Drivers could then sign up for this if they wish, and PCC can regulate.
- Private Hire Federation: PCC are indicating within the consultation that there will be a discount for insurance premiums, but this is untrue.
- Private Hire Federation: Drivers should have access to their own footage under article 8.
- HC and PH federations: PCC are likely to lose trade.

5. CORPORATE PRIORITIES

5.1 The recommendation links to the Council's Corporate Priorities:

The Economy & Inclusive Growth
 Environment
 Homes and Workplaces
 Jobs and Money
 Our Places & Communities
 Places and Safety
 Lives and Work
 Health and Wellbeing
 Prevention, Independence & Resilience
 Educations and Skills for All
 Adults
 Children

Carbon Impact Assessment: It is anticipated that the installation of CCTV in Private Hire and Hackney Vehicles licensed by PCC will have an impact on city emissions. This includes emissions from the manufacturing of the CCTV systems, which involves extracting and processing raw materials, the transportation required for installation and maintenance, and the indirect emissions from power usage and fuel increases when the systems are powered by the vehicle's battery.

6. CONSULTATION

6.1 We consulted on whether it should be mandatory to install CCTV inside taxis and private hire vehicles in Peterborough.

The Department for Transport (DfT) published statutory guidance in July 2020 which provides a strong focus to protect all passengers and users of taxis and private hire services.

Our consultation started on 6 November 2023 and ended on 2 February 2024.

We consulted with

- Drivers,
- Operators,

- Federation bodies for both Private hire vehicles and Hackney vehicles,
- Other local authorities
- Police
- Fire
- Passenger Transport
- Passengers/Public

6.2 *Suggest here other consultation(s) which could be undertaken.*

None

6.3 Corporate Leadership Team (CLT) have been sited on this consultation throughout and have supported its submission to the relevant committee post consultation

7. **ANTICIPATED OUTCOMES OR IMPACT**

7.1 Deterring and preventing the occurrence of crime

- Reducing the fear of crime
- Assisting the council and police in investigating incidents and allegations of crime
- Assisting insurance companies in investigating incidents of crime

Some negative effects could be:

- Privacy concerns for licensed drivers and passengers
- Cost implications for the proprietors (owners) of licensed vehicles
- Possible reduction in licensed vehicles
- Possible increase in 'out of area' licensed vehicles (licensed by a different authority and not subject to CCTV requirements)

The aim of taxi and private hire legislation is to ensure the public have reasonable access to the services. There is a primary focus on public safety, safeguarding and wellbeing.

Peterborough City are behind the curve on introducing mandatory CCTV in taxi and private hire vehicles and as such as a proactive authority looking to safeguard both drivers and passengers this is seen by the licensing team as a much needed priority.

When dealing with suspensions and revocation of drivers often the matters are linked to hearsay between a passenger and a driver, this proposal will safeguard both parties in these matters, including ensuring drivers have clear evidence of matters against them such as bilking, assault or other driver reported offences as listed from police provided data (Appendix 7: Crimes involving taxi drivers).

8. **REASON FOR THE RECOMMENDATION**

8.1

The Council's policy proposals will ensure compliance with legal requirements. With any review of the Policy the Council is required to ensure it considers the outcome of consultation with interested parties, including the trade, businesses, neighbouring authorities, partner organisations and the general public.

A final decision to recommend the policy to Council should reflect any changes arising from the consultation.

9. **ALTERNATIVE OPTIONS CONSIDERED**

9.1 Alternative Options and Reasons for Rejection

The Council could decline to introduce the addition of mandatory CCTV in vehicles within the policy. However, in the absence of compelling local reasons to do so the Council could be in breach of its duty to have regard to the Government's current statutory guidance.

10. IMPLICATIONS

Financial Implications

10.1 While the purchase of CCTV systems will be a burden which falls on vehicle proprietors there will be consequences for the authority including:

- Purchase and maintenance of equipment allowing Council officers to access footage
- Training of vehicle inspectors to verify CCTV installation plus additional time taken to test vehicles
- The additional officer time incurred in obtaining and viewing footage from vehicles for investigation purposes
- Free training of proprietors/drivers in their data protection obligations (as part of our responsibility as Data Controller for the CCTV footage)
- The additional officer time incurred in obtaining and viewing footage from vehicles were requested under data protection laws by anyone who is subject to recording (for any purpose whatsoever)
- Potential of the need to open a robust new manned enquiry line and dedicated email address for applicants above and beyond the current licensing team capacity.

Eventual implementation of the policy will need those resource implications to be resolved. However, some elements of the additional resource burden would be recoverable from the licence holders via licence application fees, with the balance being met from the ring-fenced licensing reserve.

Legal Implications

10.2 *Summarise here any legal implications related to this item and seek input from legal service.*

The Council must have reasonable grounds for introducing the mandatory use of CCTV within all vehicles in the taxi policy. Statutory guidance indicates the policy will be reasonable unless compelling local reasons exist not to introduce it. Any such policy must also operate in a way that does not cause undue interference with the human rights of taxi occupants, and work in a manner compatible with the requirements of the ICO and SCC.

Equalities Implications

10.3 *Summarise here any equalities implications related to this.*

The protection of vulnerable persons is a service priority and will remain so. In the context of Private hire and hackney licensing both the elderly and young are the age groups which stand out from requiring additional protection due to legislative provisions specifically in place to protect their wellbeing as a consumer of these goods and services.

Other than for the reasons explained above in relation to vulnerable persons by nature of their age, the council does not hold information which identifies any disproportionate effect on groups

with protected characteristics resulting from this proposal.

Safeguarding

- 10.4 *Summarise here any implications related to this item, using the checklist attached as guidance and seek input from relevant service.*

Positive impact on the safeguarding of Vulnerable Adults and Children and those regularly using passenger transport to participate in day care, school and health care opportunities. To efficiently safeguard against risks, they may be exposed to as well as those with disabilities.

11. BACKGROUND DOCUMENTS

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

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

- 11.1 *List any documents and other information used to write this report. DO NOT include exempt items. Be specific as anything you list here must be available for public inspection for several years after the committee meeting.*

See the report to Licensing Committee dated 7th July 2022.

12. APPENDICES

- 12.1 **Appendix 1:** CCTV Consultation Results - online survey
Appendix 2: PCC Taxi Policy
Appendix 3: Summary of Responses
Appendix 4: Joint Trade Federation Mtg CCTV Consultation PHV & Hackney 21 December 2023 (Minutes of the Hackney & Private Hire Representation Meeting)
Appendix 5: Hackney Carriage and Private Hire Vehicle CCTV Technical Specification and System Requirements
Appendix 6: Example General Fact Sheet - CCTV Partnership (Bolt)
Appendix 7: Crimes involving taxi drivers

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