

**Report of** Taxi & Private Hire Licensing Manager

**Report to** Licensing Committee

**Date:** 13 August 2019

**Subject:** Taxi & Private Hire Licensing – Proposed working group on CCTV in taxi and private hire vehicles

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

### Summary of main issues

- 1 This report presents to committee members the proposed arrangements for a working group, led by members of the Licensing Committee on CCTV in taxi and private hire vehicles.
- 2 This proposal is part of a broader regional project to reduce the differences between licensing policies and enforcement in different licensing authorities.
- 3 The resulting recommendations would be discussed with neighbouring authorities and consulted upon before a new policy and practical and financial arrangements would be developed.

### Recommendations

1. That committee members note the purpose and content of the information in this report.
2. That more than three committee members make themselves available for working group meetings and to consider written and other information.

## **1 Purpose of this report**

- 1.1 To seek committee members' input to a working group on CCTV in taxi and private hire vehicles.
- 1.2 To share an outline for the terms of reference for a working group, identifying the key issues, options and implications which need to be considered, and the different groups of stakeholders or advisers who can provide valuable input to the working group.

## **2 Background information**

- 2.1 Committee members will be aware that the UK taxi and private hire industry is rapidly changing in the UK, although much taxi and private hire law has changed little since the 1970s. In order to continue to keep the travelling public safe, the council's policies and conditions also need to keep pace with new developments, particularly the rise of cross border working (drivers and vehicles licensed in one area and working predominantly in another), the growth in use of smartphone apps enabling customers to book and pay for journeys. The council has a plan to review and consult on each of the specific policies and conditions after either three or five years, to make sure they remain up to date and effective.
- 2.2 Since 2017, officers from the five West Yorkshire Taxi and Private Hire Licensing teams and City of York have worked on the harmonisation project, and the chairs of the Licensing Committees (or equivalents) have met every other month to check progress.
- 2.3 The focus of the WY&Y officers and members groups has been to maintain and improve passenger safety, particularly in light of the safeguarding scandals in other towns and cities in the UK. Owing to the prevalence of cross-border working, authorities cannot work in isolation. The group has agreed that the collaboration approach would be more effective if the authorities were to undertake a project to align their policies and conditions more closely, establishing minimum standards in common, in particular in relation to the following:
  - CCTV in vehicles;
  - Convictions policy;
  - Vehicle specifications;
  - Driver training;
  - Information sharing between authorities; and
  - Effective cross-border enforcement.

At the May Licensing Committee, members indicated their preference for progressing a review of CCTV, with a view to developing a new policy which supports and guides installation of equipment in vehicles, and the use of CCTV in investigating and enforcing the council's licensing policies.

### **3 Main issues**

#### **CCTV in taxi and private hire vehicles**

- 3.1 The council has had a policy on CCTV in taxi and private hire vehicles since 2013. However, the policy and supporting arrangements are in urgent need of revision.
- 3.2 The council currently has a policy of encouraging CCTV on a voluntary basis, and subsidising the cost of installing CCTV equipment in a vehicle (up to a maximum of £250). The council currently has only one CCTV installer who has demonstrated it can meet our requirements.
- 3.3 The national position on CCTV in vehicles has progressed since 2013, and is broadly very supportive, but increasingly mindful of balancing perceived public safety benefits with privacy and data protection concerns. The Task and Finish Group recommended in 2018 that:
- All licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures, with cost-mitigation measure for small businesses;
- 3.4 The Department for Transport annual report (2018) states that around 95% of licensing authorities allow vehicles to have CCTV, although only 4% (12 authorities) have made CCTV mandatory.
- 3.5 The six West Yorkshire and York (WY&Y) authorities have included CCTV in vehicles, with a view to developing common minimum standards on CCTV across the sub-region. Greater Manchester is currently consulting on a range of proposals, including making CCTV mandatory in taxi and private hire vehicles.
- 3.6 Proposed terms of reference for a working group to consider options and develop draft policy and practical arrangements is attached at **Appendix 1**.

### **4 Corporate Considerations**

#### **4.1 Consultation and Engagement**

- 4.1.1 The working group would have a remit to hear views from stakeholders and suggest policy changes. It is very likely that the council would plan to consult on any proposed policies, financial or practical changes.
- 4.1.2 The council would also plan to discuss with the other authorities in the West Yorkshire & York group to see if the Leeds recommendations could be used to help set common minimum standards on CCTV. This could also

involve consultation or engagement in those authorities, depending on the degree of change from the current policies and arrangements.

## **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 Equality and Cohesion Screening Assessments are carried out on the policies agreed at Licensing Committee and policy changes made under the scheme of sub delegation. An Equality Impact Assessment Screening report will be undertaken where the proposed policies are considered.

## **4.3 Council policies and City Priorities**

4.3.1 Taxi & Private Hire Licensing policies contribute to the following aims:

### **Best Council Plan**

#### **Towards being an Enterprising Council**

##### **Our Ambition and Approach**

**Our Ambition** is for Leeds to be the best city and Leeds City Council to be the best council in the UK – fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful.

**Our Approach** is to adopt a new leadership style of civic enterprise, where the council becomes more enterprising, business and partners become more civic, and citizens become more actively engaged in the work of the city.

##### **Our Best Council Outcomes**

Make it easier for people to do business with us.

##### **Our Best Council Objectives**

Promoting sustainable and inclusive economic growth – Improving the economic wellbeing of local people and businesses. With a focus on:

- Helping people into jobs;
- Boosting the local economy; and
- Generating income for the council.

Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city. With a focus on;

- Getting services right first time; and
- Improving customer satisfaction.

4.3.2 The Taxi & Private Hire Licensing policies contribute to the following priorities:

- Reduce crime levels and their impact across Leeds;
- Effectively tackle and reduce anti-social behaviour in communities;
- Safeguarding children and adults at risk:

Leeds City Council has both a moral and legal duty of care for both children and adults at risk across all of its services. This cannot be achieved by any single service or agency. Safeguarding is ultimately the responsibility of all of us and depends on the everyday vigilance of staff who play a part in the lives of children or adults at risk.

#### **4.4 Resources and value for money**

4.4.1 The Taxi and Private Hire Licensing service is currently cost neutral to the council and by virtue of the Local Government (Miscellaneous Provisions) Act, 1976, raises its own revenue by setting fees to meet the cost of issuing and administering licences.

4.4.2 These arrangements mean that if proposals are associated with additional costs, they will be funded via licence fees and will not place additional pressure on the council's budget. It is likely that the working group will generate recommendations for new policies and practical arrangements, each of which will need to be costed.

4.4.3 It is very likely that the new CCTV policy will have a significant adverse financial or value for money effect on the council if the council decides to implement any of the following:

- Mandatory CCTV (e.g. in all 5000 vehicles);
- Continue to subsidise (up to £250) for installation of CCTV equipment; or
- The council (rather than individuals requesting footage) bears the cost of providing footage on request.

#### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 There are possible legal implications arising from a review of CCTV policies and arrangements. These are likely to relate to the Data Protection Act 2018. Licensing authorities as data controllers must comply with all relevant aspects of data protection law, and particular attention should be paid to the rights of individuals which include the right to be informed, of access and to erasure.

#### **4.6 Risk Management**

4.6.1 The DfT Statutory Guidance (2019) states that use of CCTV can provide a safer environment for the benefit of taxi/PHV passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime; and
- assisting insurance companies in investigating motor vehicle accidents.

- 4.6.2 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the 2017 Crime Survey for England and Wales only 17% of victims report their experiences to the police, 28% of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.
- 4.6.3 It is a requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in guidance that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required, one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc. Licensing authorities are advised to consult on this issue 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 PHV users, including children or vulnerable adults.

## **5 Conclusions**

- 5.1 The report has outlined the background to the council establishing a working group to review CCTV policy and practical arrangements for installing and maintaining CCTV equipment. The report has summarised the findings and recommendations of recent UK reviews, which are broadly supportive of CCTV in vehicles, but mindful of practical and data protection concerns.
- 5.2 The report proposes arrangements for a working group, including composition of the group and the format of recommendations.
- 5.3 The recommended policies and arrangements will then be discussed with neighbouring authorities as part of policy harmonisation and consultation will also take place.

## **6 Recommendations**

- 6.1 That committee members note the purpose and content of the information in this report.
- 6.2 That more than three committee members make themselves available for working group meetings and to consider written and other information.

## **7 Background documents**

Department of Transport: Taxi and Private Hire Vehicle Licensing: Protecting Users, Statutory Guidance for Licensing Authorities, February 2019:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/778276/taxi-phv-licensing-protecting-users-draft-stat-guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/778276/taxi-phv-licensing-protecting-users-draft-stat-guidance.pdf)

Department for Transport Taxi and Private Hire Vehicle Statistics, England: 2018

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/751202/taxi-and-phv-england-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/751202/taxi-and-phv-england-2018.pdf)

Task and Finish Group for DfT, Taxi and Private Hire Vehicle Licensing: Steps towards a safer and more robust system, September 2018:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/784216/taxi-phv-licensing-protecting-users-draft-stat-guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/784216/taxi-phv-licensing-protecting-users-draft-stat-guidance.pdf)

## **Appendix 1 CCTV Working Group Terms of Reference**