

Bolsover District Council

General Licensing Committee

10 February 2022

Mandatory CCTV in Taxis

Report of the Environmental Health Manager (Licensing)

Classification: This report is public

Report By: Kevin Shillitto, Solicitor & Deputy Monitoring Officer

Contact Officer: Charmaine Terry, Environmental Health Team Manager
(Licensing)

PURPOSE / SUMMARY

1. To present to the Committee the responses received to a public consultation on introduction of the policy.
 2. To invite the Committee to consider any amendments to the policy document and recommend a final version to Council for approval.
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RECOMMENDATIONS

1. That the Committee note the consultation responses and officer comments.
2. That the Committee agree any amendments to the draft Policy arising from the consultation feedback.
3. That the Committee recommend the final version of the Policy to Council for adoption with delegation of authority to the Environmental Health Team Manager (Licensing) to determine the final technical specification.

Approved by the Portfolio Holder -

IMPLICATIONS

Finance and Risk: Yes No

Details:

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
- 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 where requested under data protection laws by anyone who is subject to recording (for any purpose whatsoever)

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 an increase in licence application fees.

On Behalf of the Section 151 Officer

Legal (including Data Protection):

Yes

No

Details:

The Council must have reasonable grounds for introducing the 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.

On Behalf of the Solicitor to the Council

Staffing:

Yes

No

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p>BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/></p> <p>NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
District Wards Significantly Affected	N/A
<p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input checked="" type="checkbox"/> Other <input type="checkbox"/></p>	<p>Yes</p> <p>Details: Public consultation</p>

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.
All

REPORT DETAILS

1 Background

- 1.1 In 2018 the Council approved a taxi licensing policy which was at the leading edge of best practice, regional standards and Government guidance in force at that time.
- 1.2 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. In July 2020 the Government issued their revised Statutory Taxi & Private Hire Vehicle Standards. 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.

- 1.3 Licensing Committee members previously considered a draft policy (Appendix 2) and approved it for public consultation. 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. Details of Proposal or Information

- 2.1 Attached at Appendix 1 are the consultation responses, grouped by the nature of the comments received. In the final column are the observations of officers on the feedback, including potential areas for amendment.
- 2.2 The consultation received nine responses, seven of which are from those within the trade, set out in the table. The majority of representations from the trade fall broadly into two 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. 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.
- 2.3 The other responses were from the National Private Hire & Taxi Association, identifying possible errors in the technical specification, and the Police & Crime Commissioner for Derbyshire who supports mandatory CCTV being introduced.
- 2.4 Members are asked to consider the feedback and officer comments, and to approve any necessary changes to the policy document at Appendix 2, before deciding whether to recommend the policy to Council.

3 Reasons for Recommendation

- 3.1 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.

4 Alternative Options and Reasons for Rejection

- 4.1 The Council could decline to introduce 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.

DOCUMENT INFORMATION

Appendix No	Title
1	Consultation Responses with officer comments
2	Draft Consolidated Policy Document
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
See the report to Licensing Committee dated 28 July 2021.	