

Cheltenham Borough Council

Cabinet – meeting date]

Outcome of Consultation on Requirement to Install CCTV in Licensed Vehicles

Accountable member:

Councillor Martin Horwood, Cabinet Member for Customer & Regulatory Services

Accountable officer:

Louis Krog, Head of Public Protection

Ward(s) affected:

All

Key Decision: No

Executive summary:

The Department for Transport's (DfT) statutory guidance 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.

This report updates Cabinet on the outcome of the consultation undertaken in relation to the above and the next steps.

Recommendations:

1. To note the consultation feedback; and
2. To approve further consultation on the installation of CCTV in licensed vehicles under the following scope, by:
 - a. developing a set of technical specifications and requirements relating to approved CCTV recording equipment in licensed vehicles;
 - b. developing of a policy setting out the authority's requirements, scope and implementation arrangements;
 - c. undertaking further, formal consultation on a. and b. above with the licensed trade and key stakeholder most affected, or impacted, by the proposed policy.

1. Implications

1.1 Financial, Property and Asset implications

CCTV in licensed vehicles expected to be funded by the vehicle owner and as a result this requirement is expected to have no impact on the base budget.

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1.2 Legal implications

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. **Signed off by:** [One Legal, Legalservices@onelegal.org.uk]

1.3 Environmental and climate change implications

N/A

1.4 Corporate Plan Priorities

N/A

1.5 Equality, Diversity and Inclusion Implications

N/A

2 Background

2.1 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.

2.2 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.

2.3 The statutory guidance 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.

3 Consultation

3.1 Work undertaken by the county’s licensing officers group (GLOG) as part of phase 2 of the common licensing standards work has developed a survey for the purpose of consulting on local CCTV

requirements.

- 3.2 Consultation was undertaken between 1 July 2022 and 5 August 2022. 16 responses were received and these are attached at Appendix 2 of this report.
- 3.3 Although open to the wider public, the consultation, specifically, sought views from the licensed trade and key stakeholders, for example, the county council, Gloucestershire Constabulary and GCHQ.
- 3.4 The majority (93.3%) of respondents indicated they agreed that CCTV in licensed vehicles will benefit the safety of passengers using licensed vehicles. Similarly, the majority of respondents agreed that CCTV would benefit the safety of the licensed drivers, reduce the fear of crime and the benefits to public safety outweigh the cost and any adverse effect on privacy.
- 3.5 The outcome of the consultation, referred to above, and fully outlined at Appendix 2, indicates that there are local circumstances which indicate that the installation of CCTV in vehicles would have a positive effect on the safety of taxi and private hire vehicle users.
- 3.6 Members will note in particular that Gloucestershire County Council has already adopted a technical specification for CCTV in licensed vehicles. The county council's specification is a mandatory requirement for any licensed vehicle undertaking school contract work. Subject to Cabinet approving further consultation, officers from this authority will need to work with, amongst others, the county council to ensure a reasonable level of compatibility is achieved.
- 3.7 Members will note there has been a delay in bringing this post consultation report back to Members. Officers were keen to ensure responses were received from all interested parties and clarification sought where necessary. This required further follow up work accounting for the delay.
- 3.8 On the whole, the response rate, particularly from the licensed trade was very disappointing. Subject to the resolutions being passed, further work will need to be done with the licensed trade to engage them in the process moving forward.

4 Statutory Guidance

- 4.1 The statutory guidance sets out the Government's position regarding CCTV in licensed vehicles. It states, under section 7:
 - 4.1.1 *Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.*
 - 4.1.2 *The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:*
 - *detering and preventing the occurrence of crime;*
 - *reducing the fear of crime;*
 - *assisting the police in investigating incidents of crime;*
 - *assisting insurance companies in investigating motor vehicle accidents.*

- 4.1.3 *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.*
- 4.1.4 *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 Crime Survey for England and Wales only 17 percent of victims report their experiences to the police, 28 percent 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.*
- 4.1.5 *The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.*
- 4.1.6 *CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.*
- 4.1.7 *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. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).*

4.2 A further "CCTV Guidance" annex provides further advice to consider.

5 Next Steps

- 5.1 As stated, the outcome of the consultation, suggests that there are local circumstances which indicate that the installation of CCTV in vehicles would have a positive effect on the safety of taxi and private hire vehicle users.
- 5.2 Under the existing licensing policy, there is no requirement for any licensed vehicle to be fitted with CCTV but equally does not prohibit a proprietor from fitting CCTV. The existing policy does not outline any specification for those vehicles that have CCTV installed.
- 5.3 The outcome of the consultation suggests it would be appropriate for the authority to consider more detailed policy requirements with regards to CCTV in licensed vehicles. This will include a review of the current policy position and work to develop draft technical specifications.
- 5.4 The above will be subject to further consultation.

6 Reasons for recommendations

6.1 To ensure the authority considers all options, and takes all the necessary steps, to comply with statutory guidance and, though this, maintains the highest standards of public safety and protection.

7 Alternative options considered

7.1 Cabinet can resolve not to proceed with further consultation.

8 Consultation and feedback

8.1 As outlined in the report.

9 Key risks

9.1 As outlined in Appendix 1.

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Appendices:

- i. Risk Assessment
- ii. Consultation feedback

Background information:

[Decision to approve consultation to see if there are local circumstances when CCTV in vehicles would have either a positive or adverse effect on the safety of taxi and private hire vehicle users](#)

[Statutory Taxi & Private Hire Vehicle Standards](#)

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
	If Cabinet does not resolve to approve further consultation in light of the outcome of the initial consultation, the authority risks potentially jeopardising public safety.	Head of Public Protection	4	4	16		Reduce	Undertake further consultation.	
	If Cabinet does not resolve to approve further consultation in light of the outcome of the initial consultation, the authority faces potential risk to its reputation as a council serious about public safety and protection.	Head of Public Protection	3	3	9		Reduce	Undertake further consultation.	
	If Cabinet does not resolve to approve further consultation in light of the outcome of the initial consultation, it risks not giving due regard to the statutory	Head of Public Protection	2	3	6		Reduce	Undertake further consultation.	

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	guidance.								