



Minutes of a meeting of the Licensing Committee held in the Council Chamber at The Grange, Nutholt Lane, Ely on Wednesday 14<sup>th</sup> December 2022 10.00am.

### **PRESENT**

Cllr Julia Huffer (Chairman)  
Cllr Christine Ambrose-Smith  
Cllr David Ambrose-Smith  
Cllr Lavinia Edwards  
Cllr Simon Harries  
Cllr Mark Inskip  
Cllr Alec Jones  
Cllr Jo Webber (Vice-Chairman)  
Cllr Gareth Wilson

### **OFFICERS**

Stewart Broome – Senior Licensing Officer  
Liz Knox – Environmental Services Manager  
Maggie Camp – Director Legal  
Adeel Younis - Legal Assistant  
Tracy Couper – Democratic Services Manager  
Hannah Walker – Trainee Democratic Services Officer

### **IN ATTENDANCE**

0 members of the public

#### 33. **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Cllrs Alan Sharp and Sue Austen.

#### 34. **DECLARATIONS OF INTEREST**

No declarations of interest were made.

#### 35. **MINUTES**

It was resolved:

That the Minutes of the Licensing Committee meeting held on 15 November 2022 be confirmed as a correct record and be signed by the Chairman.

#### 36. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman wished everyone a Happy Christmas and New Year.

### 37. **CCTV IN TAXIS CONSULTATION**

The Committee considered a report, X127 previously circulated, that detailed the need to consult the installation of CCTV in vehicles. The report included three appendices, the Consultation Document as Appendix 1, Consultation questions to licence holders as Appendix 2, Consultation questions to the public as Appendix 3.

The Senior Licensing Officer referred to the Statutory Taxi and Private Hire Vehicle Standards guidance, implemented in July 2020, to protect all passengers and users of taxis and private hire transport services. The report asked Members to consider consulting on the installation of CCTV in vehicles to find out if this would have either a positive or an adverse net effect on the safety of taxi and private hire users, including children or vulnerable adults, and potential privacy issues. It was also highlighted that the statutory guidance allows for the installation of CCTV to provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers.

The Senior Licensing Officer explained the nature of the work conducted by hackney carriages and private hire including school run services, and transport for children or adults with special educational needs and disabilities (SEND). He explained that other authorities had considered compulsory CCTV usage already, and had raised the following factors in their decision making such as increased number of taxi-related crime, ranging from fare dodging to serious assaults, threats and assaults on drivers. Other reasons for the introduction of compulsory CCTV included deterring taxi and private hire drivers from abuse of exploiting children or vulnerable adults, protecting taxi and private hire drivers from false malicious allegations, reduce the fear of crime for drivers, giving public confidence, and deterring hate crime.

The Senior Licensing Officer highlighted other issues related to in-vehicle CCTV systems such as invasion of privacy for passenger or drivers, the potential misuse of information, ability for systems to be hacked, the security of the individual CCTV systems, and the consistency of operating in-vehicle CCTV systems. He advised Members that the number of complaints/allegations reported to the Council's Licensing Authority were very low and fell within numbers 1 to 10. As numbers were low, the Council currently allowed discretionary in-vehicle CCTV in taxis to be used providing the vehicle licence holder complies with the conditions set out in local policy, including human rights laws, privacy laws, and as set out in the Information Commissioner's Office (ICO). He highlighted that the licence holder would remain the data controller and processor at present.

The Senior Licensing Officer advised Members of the legal and cost implications of compulsory installation, he added that if a blanket approach was taken then the Council would be responsible as the data controller for the data in each individual licensing vehicle, and held liable for any breach of data protection by a driver/operator. He emphasised the increased costs to the Council to administer and monitor compliance with increased checks to ensure systems were fitted correctly. He advised Members that any increased expenditure in

administration and enforcement could be passed onto hackney carriage and private hire trade in vehicle and operator licence fees, which then was likely be passed onto the end user. A legal implication of making CCTV compulsory would be if the licence holder and/or the driver committed a breach of their licence condition that is considered an offence, the vehicle would be taken off the road for the issue to be resolved, and could result in a loss of earnings for those affected. He summarised by advising Members if this scheme were to be introduced it would need reviewing from time to time.

The Chairman then invited Members to ask questions to the Senior Licensing Officer. A Member asked whether it would be the responsibility of the licence holder to control holding the CCTV footage and were there any regulations relating to this. The Senior Licensing Officer advised Members that currently CCTV would be voluntary and there would be conditions added onto the licence to ensure the CCTV would be facing dashboard level. However, if the consultation responses resulted in a decision to proceed with compulsory CCTV, then he would have discussions with the Data Protection Officer at the Council to confirm compliance with ICO rules and Human Rights, to ensure the CCTV footage is encrypted and accessed only through the Council's system.

A Member queried if the Council were to take a blanket approach to CCTV what types of systems and storage would be used, what would be the regulations around storing CCTV data, and did any licensed vehicle already have CCTV installed. The Senior Licensing Officer advised Members that those issues would be addressed when consultation responses had been received and consideration was given to whether to proceed with compulsory CCTV. He explained it was likely that after 31 days if there were no incidents, the CCTV footage would be overwritten, and the system would run in line with in-house and industry standards.

A Member asked whether other local authorities already had adopted CCTV as compulsory, and whether it was just mostly in cities. The Senior Licensing Officer advised that he currently did not have details as to how many authorities were using CCTV in taxis, compulsory or not, but he was aware of large cities such as Milton Keynes, Rotherham, and the centre of London that have CCTV mandated.

A Member queried what would happen if a Taxi driver were to lose CCTV usage due to a fault. The Senior Licensing Officer explained that there would be conditions set for licence holders to tell the Licensing Authority. However, he was not aware of a Taxi or private hire having CCTV in their vehicle currently. Members commented on other Councils who had exempted Executive Hire from having CCTV, and asked the Senior Licensing Officer to include a question in the consultation to the public.

Members discussed how the consultation would be promoted to the public, they suggested that the Councils Communication Team could publicise the consultation through social media, outreach to disability groups, and to Parish Councils. The Environmental Services Manager advised Members that copies of the questionnaire could be available at the library and at Doctor surgeries for those who cannot respond digitally. The Senior Licensing Officer advised

Members he would take these suggestions on board, he advised Members that the questionnaire would be circulated to the Council's consultee list, to Parish and Ward councillors, published on the Council website, and on the notice board in the Council's reception.

A Member then asked whether it would be an all or nothing approach, and if CCTV in taxis could be discretionary rather than compulsory. The Senior Licensing Officer advised Members that the CCTV would be a condition on the licence and not on the drivers, and may be considered more appropriate for Hackney Carriages because there would be no booking records for vehicles taken from a rank, whereas for private hire vehicles which would have booking records there may be considered less of a reason to have CCTV. In light of their discussion, Members requested to add an additional question to the public questionnaire to ask whether making CCTV compulsory would result in members of the public using a taxi less.

A Member commented that the consultation for the public should be aimed at taxi users, and suggested that taxi drivers should be able to give their customers the questionnaire to complete. The Member added the suggestion of asking the public how regularly they use taxis in the questionnaire, and the Senior Licensing Officer agreed to add this as an additional question.

It was resolved [unanimously]:

That a consultation exercise to obtain opinion on whether the introduction of compulsory CCTV would have a positive or an adverse net effect on the safety of taxi and private hire vehicle users (including drivers) be carried out, based upon the consultation documents at Appendix 1 to 3 of the submitted report and 3 additional questions on a possible exemption for Executive Hire/Chauffeur class vehicles in both questionnaires; the level of taxi usage by respondents; and whether making CCTV compulsory would result in members of the public using a taxi less in the public questionnaire.

38. **SENIOR LICENSING OFFICER'S UPDATE**

The Committee considered a verbal report informing Members that the Animal Welfare prosecution was continuing, and the Licensing Team were working towards the Court deadlines.

Members were also notified that the Licensing Team had been successful in advertising for an additional resource, for a part time 6-month fixed term position to meet the demand partly associated with the transfer of a new Operator to the District.

39. **FORWARD AGENDA PLAN**

The Committee received its Forward Agenda Plan.

It was resolved [unanimously]:

That the Forward Agenda Plan be noted and the 18th January 2023 meeting of the Committee be cancelled.

The meeting concluded at 10.37am

Chairman.....

Date: