



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE
Telephone 01353 665555

MEETING: LICENSING COMMITTEE

TIME: 10:00am

DATE: **Wednesday 14th December 2022**

VENUE: **Council Chamber, The Grange, Nutholt Lane, Ely, CB7 4EE**

ENQUIRIES REGARDING THIS AGENDA: Hannah Walker

TELEPHONE: (01353) 665555 EMAIL: Hannah.walker@eastcamb.gov.uk

MEMBERSHIP:

Conservative Members

Cllr Julia Huffer (Chairman)
Cllr Christine Ambrose Smith
Cllr David Ambrose Smith
Cllr Lavinia Edwards
Cllr Alan Sharp
Cllr Jo Webber (Vice-Chairman)

Substitutes:

Cllr Ian Bovingdon
Cllr Bill Hunt
Cllr Lisa Stubbs

Liberal Democrat Members

Cllr Simon Harries
Cllr Mark Inskip
Cllr Alec Jones (Lead Member)
Cllr Gareth Wilson

Substitutes:

Cllr Charlotte Cane
Cllr Matthew Downey
Cllr John Trapp

Independent Member

Cllr Sue Austen (Lead Member)

Substitute:

Cllr Paola Trimarco

Lead Officer

Liz Knox, Environmental Services Manager

Quorum: 5 Members

AGENDA

- 1. Apologies and Substitutions** [oral]
- 2. Declarations of Interest** [oral]
To receive declarations of interest from Members for any Items on the Agenda in accordance with the Members Code of Conduct.
- 3. Minutes**
To confirm as a correct record the Minutes of the meeting of the Licensing Committee held on 15th November 2022.

4. **Chairman’s Announcements** [oral]
5. **CCTV in Taxis Consultation**
6. **Senior Licensing Officer’s Update** [oral]
7. **Forward Agenda Plan**
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NOTES:

1. Members of the public are welcome to attend this meeting. If you are visiting The Grange during normal working hours you should report to the main reception desk. If you come to an evening meeting please enter via the door in the glass atrium at the back of the building.

Admittance is on a “first come, first served” basis and public access will be from 30 minutes before the start time of the meeting. Due to room capacity restrictions, members of the public are asked, where possible, to notify Democratic Services (democratic.services@eastcambs.gov.uk or 01353 665555) of their intention to attend a meeting.

The meeting will be webcast and a livestream of the meeting will be available. Further details can be found at <https://www.eastcambs.gov.uk/meetings/licensing-committee-141222> Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.

2. The Council has adopted a ‘Purge on Plastics’ strategy and is working towards the removal of all consumer single-use plastics in our workplace. Therefore, we do not provide disposable cups in our building or at our meetings and would ask members of the public to bring their own drink to the meeting if required.
3. Fire instructions for meetings:
- If the fire alarm sounds please make your way out of the building by the nearest available exit i.e. the back staircase or the fire escape in the Chamber. Do not attempt to use the lifts.
 - The fire assembly point is in the front staff car park by the exit barrier.
 - The building has an auto-call system to the fire services so there is no need for anyone to call the fire services.

The Committee Officer will sweep the area to ensure that everyone is out.

4. Reports are attached for each agenda item unless marked “oral”.
5. If required, all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: translate@eastcambs.gov.uk
6. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

“That the press and public be excluded during the consideration of the remaining item no(s). X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt information of Category X of Part I Schedule 12A to the Local Government Act 1972 (as amended).”



Minutes of a meeting of the Licensing Committee held in the Council Chamber at The Grange, Nutholt Lane, Ely on Wednesday 14th 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:

**Appendix 2
CCTV Questionnaire - Licence Holders**

CCTV questionnaire – Licence Holders	
1	Do you always feel safe whilst working as a licensed driver?
	<input type="checkbox"/> Yes <input type="checkbox"/> No
2	Do you feel more vulnerable at night?
	<input type="checkbox"/> Yes <input type="checkbox"/> No
3	Have you been threatened or verbally abused in the last two years?
	<input type="checkbox"/> Yes <input type="checkbox"/> No
4	Have you been physically harmed by a passenger in the last two years?
	<input type="checkbox"/> Yes <input type="checkbox"/> No
5	Has a passenger refused to pay a fare in the last two years?
	<input type="checkbox"/> Yes <input type="checkbox"/> No
6	Have you been a victim of racial abuse while driving your vehicle for work?
	<input type="checkbox"/> Yes <input type="checkbox"/> No
7	Do you have in vehicle CCTV fitted in your vehicle already?
	<input type="checkbox"/> Yes <input type="checkbox"/> No
8	Would you support making CCTV a compulsory part of the Council's licensing conditions?
	<input type="checkbox"/> Hackney Carriages only <input type="checkbox"/> Private Hire vehicles only <input type="checkbox"/> Both <input type="checkbox"/> None
9	If compulsory CCTV were to be introduced, do you think a period of time should be allowed for drivers to comply?
	<input type="checkbox"/> Yes <input type="checkbox"/> No

Cont...

10	Please use this section to provide a brief summary of anything you consider would have either a positive or an adverse net effect on the safety of taxi and private hire drivers, taking into account potential privacy issues...

TITLE: CCTV IN TAXIS CONSULTATION

COMMITTEE: LICENSING COMMITTEE

DATE: 14 DECEMBER 2022

AUTHOR: SENIOR LICENSING OFFICER

Report X127

1.0 ISSUE

1.1 This report asks the Committee to consider the need to consult on the installation of CCTV in vehicles, as set out in the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards document.

2.0 RECOMMENDATION(S)

2.1 That Members:

- i) Approve the carrying out of 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).

3.0 BACKGROUND

3.1 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.

3.2 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. To this end, the Council implemented a large number of these measures in 2020.

3.3 The Statutory Guidance also states:

“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.

3.4 *The DfT's view is that CCTV can provide additional deterrence to prevent the potential risk to public safety when passengers travel in taxis and private hire vehicles and has investigative value when it does. Its view is that “The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers.”*

4.0 SUMMARY

4.1 The nature of the work conducted by hackney carriages and private hire can vary significantly due to these distinct differences in licensing rules, but collectively they fulfil an important role in local transportation links. Below are just some of the many areas where Taxis and PHVs operate:

- School run services
- Transport for children or adults with special educational needs and disabilities (SEND)
- Airport transport
- Corporate travel
- Late night economy transportation
- Hospital and community trips

4.2 Other authorities across the country have considered compulsory CCTV usage already, and have raised the following as factors in their decision making:

1. Increasing numbers of taxi-related crime, ranging from fare dodging to serious assaults
2. Threats and assaults on drivers
3. Allegations of drivers assaulting passengers
4. Customers leaving vehicles without paying
5. Allegations of theft associated with licensed vehicles
6. Safeguarding: especially in relation to children and vulnerable adults
7. Verbal and racial abuse against drivers
8. Drivers coerced into providing drug runs
9. Drivers having their vehicles damaged
10. Angry disputes with passengers over fares

4.3 Other reasons for the introduction of compulsory CCTV included:

11. Deterring Taxi and PHV drivers from abusing or exploiting children and vulnerable adults
12. Deterring people from using Taxis or PHVs to facilitate the abuse or exploitation of children and vulnerable adults
13. Protect Taxi and PHV drivers when false or malicious allegations are made against them
14. Helping to reduce the fear of crime for Taxi and PHV passengers and drivers
15. Giving the public confidence that taxis and PHVs are safe to use
16. Giving Taxi and PHV drivers confidence that they are safer when working
17. Deterring hate crime and provide a valuable source of evidence when there is a hate crime incident
18. Encouraging people to consider becoming a taxi or PHV driver as they consider it a safe job

4.4 The following issues were also raised regarding proportionality and privacy considerations:

- In-vehicle CCTV systems in Taxis and PHVs being considered an invasion of privacy by passengers or drivers
- The potential for misuse of information recorded by in-vehicle CCTV systems by drivers and/or operators/owners
- Ability for such systems to be hacked
- Security of individual CCTV systems
- Consistency in how in-vehicle CCTV systems used in taxis and PHVs is operated (e.g. some recording audio but others not) which could limit the effective use, negatively affecting passengers' and drivers' confidence in Taxi and PHV services
- Some taxi or PHV drivers being reluctant to take certain passengers (e.g. wheelchair users) due to being concerned about doing something wrong, such as not securing a wheelchair user in the correct position in the vehicle, and there later being a complaint or incident and their actions are recorded on CCTV

4.5 The number of complaints/allegations reported to the Council's Licensing Authority relating to factors falling within numbers 1 to 10 mentioned above are thankfully incredibly low. As a result of this, the Council's current position for in-vehicle CCTV in Taxis and PHVs licensed in the East Cambs District is to allow CCTV to be used, providing the vehicle licence holder complies with the conditions as set out in the local policy, which includes amongst other things, observing human rights laws, and privacy laws, as set out in the Information Commissioner's Office (ICO) guidelines. The licence holder remains the data controller and processor

5.0 CONCLUSION

5.1 The DfT Statutory Guidance states licensing authorities should consult, and whilst not worded as "licensing authorities must consult", it is interpreted by Officers that unless there are very good reasons not to consult on the possible adverse or positive net impacts of compulsory CCTV, the Licensing Authority should consult key stakeholders.

6.0 LEGAL and COST IMPLICATIONS

6.1 If a blanket approach to CCTV is introduced requiring all Taxis and private hire vehicles to install CCTV the Council would be responsible as the Data Controller for the data in each individual licensed vehicle and held liable for any breach of data protection by a driver/operator. In these circumstances the Council would have to specify the CCTV's technical and system requirements to ensure compliance, requiring encrypted and secure data storage. This would inevitably mean increased costs to the Council in administration and monitoring compliance, with increased checks being made to ensure systems are correctly fitted and compliant, as well as increased enforcement activity ensuring cameras are active and

data is stored correctly. Any increased expenditure in administration and enforcement could be passed to the hackney carriage and private hire trade in vehicle and operator licence fees.

- 6.2 In addition to increased costs to the Council, there would be increased costs to the trade themselves, as it is estimated that a suitable CCTV system would cost in the region of £500 to £1000 to purchase, and there would also be ongoing maintenance costs whenever a vehicle needs to be updated or faults occur. Any increase in costs incurred by the trade will inevitably be passed onto those using the service.
- 6.3 Another legal implication of making CCTV compulsory is that any failure in the system would require the vehicle to be taken off the road whilst the issue was resolved in order to avoid the licence holder and/or the driver committing a breach of licence condition that is considered an offence. This could result in a loss of earnings for those affected.
- 6.4 Finally, any scheme introduced would require reviewing from time to time to ensure it is still considered necessary. This could be tied into future reviews of the general taxi licensing policy, but is still likely to cause an additional cost to the authority, which would either need to be absorbed or passed onto the trade via the licensing fees.
- 6.5 There is no need to conduct an Equality Impact Assessment (EIA) as this report does not lead to the creation of a policy, or additional regulation.

7.0 APPENDICES

Appendix 1	Consultation Document
Appendix 2	Consultation questions – Licence Holders
Appendix 3	Consultation questions – Public

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
DfT's Statutory Taxi and Private Hire Vehicle Standards 2020	Room SF208 The Grange, Ely	Stewart Broome Senior Licensing Officer (01353) 616477

Appendix 1 Consultation

The introduction of in-vehicle CCTV in hackney carriages (taxis) & private hire vehicles

Why we are consulting?

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.

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.

The DfT's Statutory Taxi and Private Hire Vehicle Standards 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.

The DfT's view is that CCTV can provide additional deterrence to prevent the potential risk to public safety when passengers travel in taxis and private hire vehicles and has investigative value when it does. Its view is that “The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers.”

To this end, having implemented a number of large number of measures from the 2020 Statutory Standards already, East Cambridgeshire District Council is now conducting this consultation exercise 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.

In addition, the consultation is seeking views on whether it would be proportionate for the installation of CCTV to be made a mandatory condition of a vehicle licence. Any decision to make it a mandatory condition will take account of the benefits to public safety, as well as any adverse effects including potential privacy concerns and costs to the licensed vehicle holder and indirectly to members of the public.

Background

Hackney Carriages (Taxis) have a roof light saying TAXI and can be hailed on the street, at designated taxi ranks or booked in advance directly or via one of the many licensed private hire operators in the District that utilise Hackney Carriages to fulfil their bookings.

Private Hire Vehicles (PHVs) will not have roof lights and must be pre-booked. The operators of private hire vehicles must hold a private hire operator licence with the Council.

The nature of the work conducted by hackney carriages and private hire can vary significantly due to these distinct differences in licensing rules, but collectively they fulfil an important role in local transportation links. Below are just some of the many areas where Taxis and PHVs operate:

- School run services
- Transport for children or adults with special educational needs and disabilities (SEND)
- Airport transport
- Corporate travel
- Late night economy transportation
- Hospital and community trips

Other authorities across the country have considered compulsory CCTV usage already, and have raised the following as factors in their decision making:

1. Increasing numbers of taxi-related crime, ranging from fare dodging to serious assaults
2. Threats and assaults on drivers
3. Allegations of drivers assaulting passengers
4. Customers leaving vehicles without paying
5. Allegations of theft associated with licensed vehicles
6. Safeguarding: especially in relation to children and vulnerable adults
7. Verbal and racial abuse against drivers
8. Drivers coerced into providing drug runs
9. Drivers having their vehicles damaged
10. Angry disputes with passengers over fares

Other reasons for the introduction of compulsory CCTV included:

11. Deterring Taxi and PHV drivers from abusing or exploiting children and vulnerable adults
12. Deterring people from using Taxis or PHVs to facilitate the abuse or exploitation of children and vulnerable adults
13. Protect Taxi and PHV drivers when false or malicious allegations are made against them
14. Helping to reduce the fear of crime for Taxi and PHV passengers and drivers
15. Giving the public confidence that taxis and PHVs are safe to use
16. Giving Taxi and PHV drivers confidence that they are safer when working
17. Deterring hate crime and provide a valuable source of evidence when there is a hate crime incident
18. Encouraging people to consider becoming a taxi or PHV driver as they consider it a safe job

The following issues were also raised regarding proportionality and privacy considerations:

- In-vehicle CCTV systems in Taxis and PHVs being considered an invasion of privacy by passengers or drivers
- The potential for misuse of information recorded by in-vehicle CCTV systems by drivers and/or operators/owners
- Ability for such systems to be hacked
- Security of individual CCTV systems
- Consistency in how in-vehicle CCTV systems used in taxis and PHVs is operated (e.g. some recording audio but others not) which could limit the effective use, negatively affecting passengers' and drivers' confidence in Taxi and PHV services
- Some taxi or PHV drivers being reluctant to take certain passengers (e.g. wheelchair users) due to being concerned about doing something wrong, such as not securing a wheelchair user in the correct position in the vehicle, and there later being a complaint or incident and their actions are recorded on CCTV

Current Situation

The number of complaints/allegations reported to the Council's Licensing Authority relating to factors falling within numbers 1 to 10 mentioned above are thankfully incredibly low. As a result of this, the Council's current position for in-vehicle CCTV in Taxis and PHVs licensed in the East Cambs District is to allow CCTV to be used, providing the vehicle licence holder observes human rights, and privacy laws, as set out in the Information Commissioner's Office (ICO) guidelines. The licence holder remains the data controller and processor. The licence holder must comply with the following two conditions of their licence:

- All CCTV must comply with data protection laws and all cameras must be mounted at a level equal to or greater than the level of the dashboard and must be directed at face height.
- Where CCTV is installed in a Vehicle the Licensee must ensure that a sign is displayed in a prominent position in the vehicle so that passengers are made aware of the presence of the camera.

Cost and Legal Implications of introducing compulsory CCTV

If a blanket approach to CCTV is introduced by this Authority – that is requiring all Taxis and private hire vehicles to install CCTV - then the Council would be responsible as the Data Controller for the data in each individual licensed vehicle and held liable for any breach of data protection by a driver/operator. In these circumstances the Council would have to specify the CCTV's technical and system requirements to ensure compliance, requiring encrypted and secure data storage. This would inevitably mean increased costs to the Council in

administration and monitoring compliance, with increased checks being made to ensure systems are correctly fitted and compliant, as well as increased enforcement activity ensuring cameras are active and data is stored correctly. Any increased expenditure in administration and enforcement could be passed to the hackney carriage and private hire trade in vehicle and operator licence fees.

In addition to increased costs to the Council, there would be increased costs to the trade themselves, as it is estimated that a suitable CCTV system would cost in the region of £500 to £1000 to purchase, and there would also be ongoing maintenance costs whenever a vehicle needs to be updated or faults occur. Any increase in costs incurred by the trade will inevitably be passed onto those using the service.

Another legal implication of making CCTV compulsory is that any failure in the system would require the vehicle to be taken off the road whilst the issue was resolved in order to avoid the licence holder and/or the driver committing a breach of licence condition that is considered an offence. This could result in a loss of earnings for those affected.

Finally, any scheme introduced would require reviewing from time to time to ensure it is still considered necessary. This could be tied into future reviews of the general taxi licensing policy, but is still likely to cause an additional cost to the authority, which would either need to be absorbed or passed onto the trade via the licensing fees.

Consultation duration

The consultation will run from December 19th for 12 weeks ending at 3pm on Monday 13th March 2023.

Process

Respondents are asked to complete the relevant survey contained in this consultation document by the consultation deadline stated above. Responses can be emailed to licensing@eastcambs.gov.uk with the subject heading "CCTV Consultation", or by post to the address below:

Licensing Authority
The Council Offices
Nutholt Lane
Ely
CB7 4EE

Next Steps

In addition to seeking the views of the public and the trade, the Council will approach key stakeholders and other authorities/agencies to seek their views/evidence to be taken into consideration. All information received shall be presented to Members of the Licensing Committee, who will instruct Officers on how to proceed.

Appendix 3

CCTV questionnaire – Public

CCTV questionnaire – Public – Please answer these questions from your experiences as a user or non-user of a taxi or private hire vehicle specifically licensed by East Cambridgeshire District Council.	
1	Do you always feel safe whilst travelling in a licensed vehicle?
	<input type="checkbox"/> Yes <input type="checkbox"/> No
2	Do you feel more vulnerable at night?
	<input type="checkbox"/> Yes <input type="checkbox"/> No
3	Have you been threatened or verbally abused by a taxi driver whilst engaged in a journey in the last two years?
	<input type="checkbox"/> Yes <input type="checkbox"/> No
4	Have you been physically harmed by a taxi driver whilst engaged in a journey in the last two years?
	<input type="checkbox"/> Yes <input type="checkbox"/> No
5	Have you experienced any perceived prejudice from a taxi driver due to having a physical or mental health condition in the last two years?
	<input type="checkbox"/> Yes <input type="checkbox"/> No
6	Have you suffered racial abuse from a taxi driver of a licensed vehicle?
	<input type="checkbox"/> Yes <input type="checkbox"/> No
7	Have you been over-charged, or had to challenge the fare for your journey in the last two years?
	<input type="checkbox"/> Yes <input type="checkbox"/> No
8	Has the absence of compulsory CCTV in a licensed vehicle made you decide to use another form of transport when planning your journey?
	<input type="checkbox"/> Yes <input type="checkbox"/> No
9	Would you use taxis more if CCTV was made compulsory?
	<input type="checkbox"/> Yes <input type="checkbox"/> No

LICENSING COMMITTEE

LEAD OFFICER: Liz Knox, Environmental Services Manager

ANNUAL AGENDA PLAN

DEMOCRATIC SERVICES OFFICER: Hannah Walker

AGENDA ITEM NO 7

Meeting on: 22 nd June 2022 10:00am		Meeting on: 27 th July 2022 10:00am		Meeting on: 28 th September 2022 10:00am	
Deadline for reports/dispatch: 9 th June 2022		Deadline for reports/dispatch: 14 th July 2022		Deadline for reports/dispatch: 16 th September 2022	
Chairman's Announcements		Chairman's Announcements		Chairman's Announcements	
Review of Street Trading Fees	S Broome Senior Licensing Officer	Review of Taxi Fees	S Broome Senior Licensing Officer	Review of Taxi Fees Consultation Results	S Broome Senior Licensing Officer
Licensing Officers Update	S Broome Senior Licensing Officer	Licensing Officers Update	S Broome Senior Licensing Officer	Licensing Officers Update	S Broome Senior Licensing Officer
Forward Agenda Plan		Forward Agenda Plan		Forward Agenda Plan	
Meeting on: 12 th October 2022 10:00am CANCELLED		Meeting on: 15 th November 2022 10:00am		Meeting on: 14 th December 2022 10:00am	
Deadline for reports/dispatch: 29 th September 2022		Deadline for reports/dispatch: 3 rd November 2022		Deadline for reports/dispatch: 2 nd December 2022	
		Chairman's Announcements		Chairman's Announcements	
		Review of Fees & Charges	S Broome Senior Licensing Officer	CCTV in Taxis	S Broome Senior Licensing Officer
		Licensing Officers Update	S Broome Senior Licensing Officer	Licensing Officers Update	S Broome Senior Licensing Officer
		Forward Agenda Plan		Forward Agenda Plan	

LICENSING COMMITTEE

LEAD OFFICER: Liz Knox, Environmental Services Manager

ANNUAL AGENDA PLAN

DEMOCRATIC SERVICES OFFICER: Hannah Walker

AGENDA ITEM NO 7

Meeting on: 18 th January 2023 10:00am		Meeting on: 8 th February 2023 10:00am		Meeting on: 8 th March 2023 10:00am	
Deadline for reports/dispatch: 6 TH January 2023		Deadline for reports/dispatch: 27 th January 2023		Deadline for reports/dispatch: 24 th February 2023	
Chairman's Announcements		Chairman's Announcements		Chairman's Announcements	
Licensing Officers Update	S Broome Senior Licensing Officer	Licensing Officers Update	S Broome Senior Licensing Officer	Licensing Officers Update	S Broome Senior Licensing Officer
Forward Agenda Plan		Forward Agenda Plan		Forward Agenda Plan	