

Report of	Meeting	Date
Director of Planning and Development (Introduced by Cabinet Member (Finance and Public Protection))	Council	Wednesday, 20 September 2023

CCTV Policy Wording

Is this report confidential?	No
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Is this decision key?	Not applicable
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Savings or expenditure amounting to greater than £100,000	Significant impact on 2 or more council wards
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Purpose of the Report

1. Considering the outcome of the consultation exercises undertaken throughout November 2022 and March 2023, and the approval by the Licensing & Public Safety Committee, summarised within the report, this report invites members of the Council to formally adopt the changes to the CCTV Policy within its Hackney Carriage and Private Hire Vehicle Licencing Policy.

Recommendations to Council

2. Members are requested to note the contents of the report.
3. Members are requested to formally adopt the agreed proposal following the approval by the Licensing and Public Safety Committee on the 27/06/2023

Other options considered and rejected

4. Options available are to;
 - a)Keep the policy as it is and make no changes
 - b)Agree to the changes proposed

Corporate priorities

5. The report relates to the following corporate priorities:

An exemplary council	Thriving communities
A fair local economy that works for everyone	Good homes, green spaces, healthy places

The Purpose of CCTV

6. CCTV is widely seen as a way forward in safeguarding both drivers and passengers, giving confidence and reassurance to the public when they are travelling in a taxi as well as to drivers, who can also be victims of violence and abuse.
7. CCTV systems provide a safer environment for the benefit of the hackney or private hire drivers and passengers by:
 - Deterring 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
8. CCTV can act as a deterrent to committing an offence as people are more likely to police their own behaviour, if they know they are being recorded.
9. Where an offence has taken place the images/audio recording that CCTV systems capture can provide important evidence in a criminal investigation.
10. CCTV creates reassurance to customers that the taxi they have entered is a safe environment.

Additional Safeguarding Awareness Training

11. Safeguarding of both or licenced trade and our residents is paramount for the authority. As a licensing authority we take every measure available to promote this.
12. In addition to the training that is required, during new and renewal applications for driver licences, between the months of March and July, our licenced drivers have been put through additional mandatory in person training sessions on;
 - Child Sexual Exploitation CSE,
 - Child criminal Exploitation CCE
 - County lines Exploitation.
13. The training was provided by a qualified external training specialist called “No whispers”.
14. The training focussed on identifying and correctly reporting safeguarding issues, the training gave reassurance to drivers that they can safely report issues they may have seen or heard without any repercussion.
15. Licenced drivers form a crucial part in safeguarding vulnerable people, by being the eyes and ears of the community, providing potentially important information to authorities.

Current Position

16. Currently the council does not mandate the use of CCTV in licensed vehicles but does recommend the use of CCTV in vehicles.

17. Any CCTV system installed, must comply with the current data protection requirements as directed by the Information Commissioner and be compliant with the council's policy wording.
18. This gives the driver or vehicle's proprietor the option to install CCTV in their licenced vehicle at their own discretion.

Additional Safeguarding Awareness Training

In addition to training that is required during new applications and renewals for driver licences, between the months of March and July, the members of our licenced taxi trade have been put through an additional mandatory in person training session on;

- child sexual exploitation CSE,
- child criminal exploitation CCE
- County lines exploitation.

The training was provided by a qualified external specialist from "No whispers". The training focussed on identifying and correctly reporting safeguarding issues. Licenced drivers form a crucial part in safeguarding vulnerable people, by being the eyes and ears of the community, providing potentially important information to authorities.

Considerations before mandating a CCTV policy

19. Consideration should to be given to the imposition of a condition making CCTV compulsory in vehicles. An important balance must be made between privacy and proportionality.
20. The imposition of a mandatory policy could leave the council open to a successful judicial review from members of the licensing trade if they feel aggrieved by any decision taken to impose a CCTV policy upon them.
21. Various factors should be taken into consideration, before deciding if or not a mandatory policy is the way forward, such as:
 - Proportionality and the need for an evidence base.
 - Legal Compliance, Specification, and Information Commissioners (ICO) recommendations.
 - Cost of implementation.
 - Incentives and trade buy in.

Meeting of the Licensing and Public Safety Committee 06/09/2022

22. A report highlighting the need to review the CCTV policy for Hackney and Private Hire Vehicles licenced within South Ribble was presented to members of the Licensing and Public Safety Committee on 06/09/2022.
23. The report advised members that under government guidance, councils are expected to consider if mandatory installation of CCTV in licensed vehicles would have either a

positive or an adverse effect on the safety of Hackney Carriage and Private Hire Vehicle users.

24. Members were advised at the meeting that reports have been previously taken to committee in 2018 and 2020, to explore the option of mandating CCTV within our licensed taxi and private hire vehicles, but as an authority we have not been able to evidence base a decision to mandate the CCTV for vehicles licensed by SRBC.
25. Currently the council does not mandate the use of CCTV in licensed vehicles, but does recommend the use of CCTV in vehicles, with the chosen system being approved by the council.
26. At the meeting, members of the Licensing and Public Safety Committee agreed to proceed to a consultation exercise to explore the views of the taxi trade and also the general public, on mandatory CCTV. Members agree to receive a report advising of the results of that consultation at a future meeting.

Meeting of the Licensing and Public Safety Committee 27/06/2023

27. On 27/06/2023 members of the Licensing and Public Safety Committee received a feedback report from the consultation exercise.
28. The report advised members that a public consultation, a consultation of all members of the taxi licensing trade were carried out throughout November – December 2022, with additional crime statistics obtained from Lancashire police.
29. The consultation invited examples, identifying if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults.
30. Officers reported the level of responses from the trade were low. Only 12 drivers responded. This could be due to various factors, including drivers being unsure or drivers may feel vulnerable to report offenses against them.
31. The report also gave details the public consultation exercise carried out throughout November – December 2022, via the Council's website and social media.
32. The results of the consultation exercise can be found within - background document 1 - Licensing and Public Safety Committee report 27/06/2023.
33. Lancashire Constabulary also provided crime statistics in relation to offences against taxi drivers in South Ribble over the past 12 months up to 15th December 2022.
34. The report indicated that the crime statistics on drivers were low; of the 35 crimes committed on drivers, 18 of those were simple making off without payment, and 2 were theft.
35. Only 2 reports each received regarding,
 - Aggressive or Threatening Behaviour
 - Abusive / Racist customers / inappropriate conversations

36. Officers advised that it was significant that the trade also reported 0 cases of assault. The response indicate the trade feel it should be their own option to install the CCTV and not imposed on them. The trade also reported concerns about their own privacy and the cost of implementation.
37. A summary of responses from the consultation exercise can be found attached to this report within section 73 to 87 from background document 1 - Licensing and Public Safety Committee report 27/06/2023.
38. Additionally, statistics from serious complaints made against drivers and police crime statistics were obtained and reported to members. But, once again these figures were low.
39. The crime statistics on drivers are low, of the 35 crimes committed on drivers, 18 of those were simple making off without payment, 2 theft. This leaves 15 serious cases out 252 licenced drivers and officers feel this would not justify the requirement for mandating CCTV in South Ribble licensed hackney and private hire vehicles as a safeguarding measure for the trade.
40. A summary of the crime statistics can be found within background document 1 - Licensing and Public Safety Committee report 27/06/2023.

Additional consultation March 2023.

41. Members were advised that, following a meeting of the Senior Management Team (SMT) at the council in February 2023, it was decided that the licensing team should consult the trade for a second time, as the results received from the consultation in November - December 2022 were so low, they did not evidence base the possibility of mandating CCTV.
42. Once again, the licensing team wrote out to all members of the trade. Unfortunately, the responses were even lower with only 8 members of the trade responding.
43. This showed a serious lack of support from the trade, with regards to mandating CCTV, with no real issues reported back from the trade that would evidence base a local need to implement a mandatory policy.

Incentive to the trade to install CCTV

44. Officers put to members the option of a change to policy, were drivers who installed CCTV, would negate the need to replace factory fitted tinted windows, that did not meet the current policy for 50% light transparency.
45. Officer advised that in their view, if the authority could not change to a mandatory policy, this policy change would steer drivers into implementing CCTV in their vehicles, with a clear cost saving between CCTV and changing the windows for the vehicle.
46. This would also see more drivers buy higher specification vehicles, which is a benefit to passenger comfort.

47. Members acknowledged that the tinted windows policy requirement in itself was expensive and burdensome for the industry with an average cost of £1000 to £1500 to change from factory fitted tinted windows to clear glass.
48. It was noted that CCTV units were relatively modest in price compared to the cost of tinted windows, with an average price of between £390 - £450 depending on the specification, which includes professional installation by an approved supplier.

Decision of the Licensing and Public safety committee 27/06/2023

49. Members agreed that to mandate a policy on CCTV there needed to be a clear local evidence base of an overwhelming need for CCTV within the area.
50. The Committee appreciated that an argument could be made to introduce a mandatory CCTV policy on both driver and public safety grounds.
51. However, the Committee were mindful that this must be proportional and balanced against data protection and rights to privacy with regards to camera surveillance.
52. The Committee further noted that if any mandatory policy were to be introduced, the Council may be challenged legally, this could incur legal costs of defending a Judicial Review against the policy and/or an appeal to the magistrates' court against the imposition of a condition on a taxi vehicle licence.
53. The Committee determined that based on the information before it there was no clear local evidence base of an overwhelming need for a mandatory CCTV policy within the area and to do so would leave the Council open to legal challenge of a Judicial Review and financial risk.
54. It was therefore proposed that a non-mandatory CCTV policy be introduced, allowing drivers to decide to install CCTV in their vehicle if they wished to do so.

Proposal

55. Members of the Council are invited to consider the feedback given from the two previous Licensing and Public Safety Committee meetings
56. Members are asked to take the decision to formally adopt the changes to the Taxi Licensing Policy as attached to this report as Appendix 1 – Proposed CCTV Policy Wording. A non-mandatory CCTV policy that permits the vehicle proprietors, to have factory fitted tinted windows within licensed vehicles, provided that a compliant CCTV system is installed subject to the system being approved by SRBC officers prior to the licence being issued.

Climate change and air quality

57. The work noted in this report does not impact the climate change and sustainability targets of the Councils Green Agenda and all environmental considerations are in place.

Equality and diversity

58. South Ribble Borough Council is responsible for the licensing of hackney carriage and private hire vehicles, drivers, and operators.
59. This policy applies to all regardless of gender, age, disability, religious belief, race or ethnic minority or sexual orientation. No overall impacts have been identified across the equality strands within this report.
60. Please see the summarised outcome of the Equality Impact Assessment (EIA) attached to the report as Appendix 2.

Risk

61. The risks to the council unlawfully imposing a mandatory CCTV policy have been addressed in the report, in particular referring to proportionality and the need for an evidence base.
62. If a mandatory policy is to be imposed the council will become the data controller of the CCTV, which brings in possible GDPR risks against the council, fundamentally if all requirements of the ICO have not been addressed before implementation of a mandatory policy.

Comments of the Statutory Finance Officer

63. There are no direct financial implications to the Council of this report.

Comments of the Monitoring Officer

64. A decision to mandate CCTV in taxi vehicles could be subject to legal challenge. In this instance the evidence does not appear to be there to justify such an approach. What is proposed in this report – a permissive rather than mandatory approach – seems a sensible way forward.

Background documents

65. background document 1 - Licensing and Public Safety Committee report 27/06/2023 - [Agenda item - CCTV Policy - Consultation feedback - South Ribble Borough Council \(moderngov.co.uk\)](#)

Appendices

66. Appendix 1 – Proposed CCTV Policy Wording. - [Appendix 10 - Proposed New Policy on CCTV.pdf \(moderngov.co.uk\)](#)
67. Appendix 2 - Equality Impact Assessment (EIA) - [Appendix 12 Equality Impact Assessment.pdf \(moderngov.co.uk\)](#)

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This decision will come into force and may be implemented five working days after its publication date, subject to being called in in accordance with the Council's Constitution.