
REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	11th NOVEMBER 2021	CATEGORY: DELEGATED/ RECOMMENDED
REPORT FROM:	CHIEF EXECUTIVE	OPEN:
MEMBERS' CONTACT POINT:	NIGEL J MARSTON 01283 221000 nigel.marston@southderbyshire.gov.uk	DOC:
SUBJECT:	CCTV IN PRIVATE HIRE VEHICLES POLICY	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1. Recommendations

- 1.1 Members note the report
- 1.2 That Members approve the active monitoring of complaints and investigations by Licensing Officers with a view to assessing the need for mandatory CCTV in licensed vehicles on an ongoing basis.

2. Purpose of Report

- 2.1 To provide Members with the outcome of a consultation with interested parties on the mandatory provision of CCTV in private hire vehicles.

3. Detail

- 3.1 Members will recall that a report came before them in November 2020 following the publication of the Department of Transport Statutory Taxi and Private Hire Standards ("the Standards"). The Standards require all licensing authorities to publish their consideration of the recommendations detailed in the Standards. As a result, the Private Hire Policy was amended and implemented from January 2021.
- 3.2 The one outstanding area that was not addressed was the mandatory provision of CCTV in licensed vehicles. Whilst South Derbyshire District Council does not mandate the compulsory provision of CCTV in licensed vehicles any CCTV fitted in a licensed vehicle must comply with the requirements set out in the Council's CCTV in Private Hire Vehicle's Policy.
- 3.3 The Local Government Association (LGA) produced guidance on the introduction of mandatory CCTV for licensed vehicles in January 2019. The guidance reflects on approaches taken by local authorities which already mandate CCTV and on the importance of striking a balance between passenger safety and privacy, reflecting the position of the Information Commissioner and the Surveillance Camera

Commissioner as the regulators. It is intended to be used as a starting point for exploring some of the key issues and how these might apply at a local level.

3.4 Currently there are less than 10% of local authorities that have a mandatory requirement for CCTV.

3.5 Having considered the LGA guidance there are several matters that must be evidenced when considering implementing the mandatory use of CCTV:

The need to demonstrate regard to the Surveillance Camera Code of Practice which sets out guiding principles, the first of which is that the **use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.**

- There must be a strong evidence-based justification for policy which imposes the mandatory use of CCTV systems in licensed vehicles.
- Officers and Members must consider what is an appropriate and proportionate approach to CCTV, having regard to evidence of any need based on issues identified in their local area. The impacts on the driver privacy must be weighed in the balance when assessing proportionately.
- Officers need to be clear on the problems that need addressing and must be able to justify why these can only be effectively resolved by CCTV, as opposed to some less intrusive alternative solution. The assessment of proportionality and the justification for CCTV needs to be relevant to local circumstances and a local evidence base will be required to support any proposal.
- Is there a pressing and social need and do we have evidence that this need must be addressed?
- Audio recording is considered more intrusive on privacy than cameras and will require stronger justification.
- Have alternative options been reviewed and is there evidence to show the only way to address the issue is using audio recording.

4.0 Consultation

4.1 A consultation took place between 1st July and 13th August 2021. Information on the consultation and how to respond was sent to all licensed private hire drivers, vehicle proprietors and operators. In addition, a questionnaire was placed on the website. A social media campaign and press release also gave further information to the wider public on the consultation. The Police were also contacted for information on assaults either on or by private hire drivers.

4.2 14 responses were received during the consultation. The responses are attached as **Appendix 1**.

4.3 The Police responded that “there is no flag within their crime recording system for taxi drivers and so gathering this information would need every crime report of an assault reviewing to see if there was any indication that a taxi driver was involved – this would not be proportionate due to the volume”.

4.4 Having considered the LGA Guidance Officers have concluded that there is not a strong evidence base to justify a mandatory requirement for CCTV in licensed vehicles at this time. Whilst Licensing Officers have received a small number of complaints over the years where CCTV would have been helpful in resolving the complaint, this is not in itself considered to be a strong enough justification.

- 4.5 The cost implications of introducing a mandatory requirement for CCTV must also be considered. The cost to the trade would be in the region of £1,000 per vehicle. Covid has hit the licensed vehicle trade particularly hard and adding to their costs at this time is not considered to be appropriate or necessary.
- 4.6 Moving forward it is proposed that Licensing Officers actively monitor and record all complaints and service requests where CCTV in a licensed vehicle would have been beneficial to the investigation of the complaint. This will be undertaken over a twelve-month period. The evidence will be reviewed annually by the Senior Licensing Officer and presented to Members accordingly.
- 4.7 Officers recognise the positive impact that CCTV would have as an additional safeguarding tool which would provide confidence, added protection and reassurance to both drivers and the public, however a strong evidence base is required before this can be progressed.

The principal consideration must be one of public safety. Collating evidence in the required format will ensure that we have the strongest possible case for and mandatory CCTV implementation in the future.

- 4.8 Public protection is paramount, yet it should be recognised and celebrated that we do not have an identified and pressing need for mandatory CCTV in South Derbyshire and the introduction of a mandatory requirement could be seen as excessively disproportionate at the present time.

5.0 Financial Implications

- 5.1 There are no financial implications to the Council.

5. Corporate Implications

- 5.1 These proposals will continue to demonstrate to members of the public that the Council takes the protection of local residents, children, and vulnerable adults seriously, which contributes to the theme of safety and security.