

Report of the Taxi & Private Hire Licensing Manager

Report to the Licensing Committee

Date: 3 December 2019

Subject: Taxi and Private Hire Licensing – results of CCTV Working Group

Are specific electoral Wards affected?	☐ Yes	☒ No
If relevant, name(s) of Ward(s):		
Are there implications for equality and diversity and cohesion and integration?	☐ Yes	☒ No
Is the decision eligible for Call-In?	☐ Yes	☒ No
Does the report contain confidential or exempt information?	☐ Yes	☒ No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

1. Summary of main issues

Members of the Licensing Committee are asked to read and consider a report on the findings of the recent CCTV Working Group, and draft CCTV Policy for Taxi and Private Hire Vehicles.

The council has encouraged the use of CCTV in taxi and private hire vehicles since 2007. However, the majority of the companies on the council's approved list of CCTV installers have left the industry, and an up to date CCTV policy is needed. The report highlights the findings of the working group and suggests areas for consultation on a new CCTV policy.

Recommendations

1. That committee members note the purpose and content of the information in this report.
2. That members make specific recommendations for areas to be consulted upon in the development of a new CCTV policy for taxi and private hire vehicles.

1.0 Purpose of this report

- 1.1 To provide a summary of the findings of the recent CCTV working group established after the August committee meeting.
- 1.2 To inform committee members of the likely content of a draft CCTV policy and to highlight areas which will need to be considered in consultation with the trade, general public and neighbouring authorities.

2.0 Background information

- 2.1 At the August Licensing Committee, members established a CCTV working group to consider a range of issues in developing and implementing a new CCTV policy for taxi and private hire vehicles in Leeds.
- 2.2 The working group met four times in September to November 2019. The terms of reference for the working group are attached at **Appendix 1**, and a list of members of the working group and people, and individuals providing information to the working group are attached at **Appendix 2**.

3.0 Main issues

- 3.1 The working group discussed a range of issues, in four main areas.
 - Aims and objectives of CCTV in taxi and private hire vehicles;
 - Passenger and driver safety priorities and perceptions;
 - Privacy concerns and compliance requirements; and
 - CCTV policy, specifications, and practical concerns
- 3.2 The following sections consider each issue in turn.

Aims and objectives of CCTV in taxi and private hire vehicles

- 3.3 The working group established that there was a significant level of consensus among various bodies and stakeholders, particularly passenger groups, taxi and private hire trade, central and local government, that encouraging voluntary, and in some case mandatory, CCTV in taxi and private hire vehicles was a positive enhancement to public confidence, passenger safety and driver safety.
- 3.4 The working group heard that various central government group recommendations are in favour of CCTV in licensed vehicles (including the Department for Transport Task and Finish Group on Taxi and Private Hire, 2018, and the DfT Statutory Guidance in 2019). The working group also heard that CCTV in vehicles was a regional policy priority for the West Yorkshire & City of York authority group.

Passenger and driver safety priorities and perceptions

- 3.5 The working group heard from a range of UK information indicating the general public was in favour of CCTV in vehicles, and that CCTV would deter some violence, anti social, dishonest or inappropriate behaviour, and would also help detect such behaviour if it was reported. The group heard a brief Leeds Live poll in August 2019 revealed a 70:30 vote in favour of CCTV.

- 3.6 The group also heard that generally drivers, operators and associations were in favour of CCTV in vehicles, that drivers felt safer, and less likely to be the victim of violence or malicious allegations. Some drivers had reported getting increased bookings from customers after they had fitted CCTV. Some driver groups had drawn attention to the cost of CCTV in some licensing areas, but the prevailing view was overwhelmingly in favour, especially if ways could be found to continue to subsidise part of the cost of installation of CCTV. One contributor to the group suggested that when CCTV was made compulsory in Rotherham, many drivers had initially been sceptical of the benefits, but were now very positive about the safety benefits of CCTV.

Privacy concerns and compliance requirements

- 3.7 The working group heard that the Information Commissioner's Office (ICO) and Surveillance Commissioner has broadly advised authorities against mandatory CCTV in vehicles, unless strong evidence is provided stating how mandatory CCTV addresses safety risks. The ICO has provided a range of guidance to licensing authorities considering CCTV policies, summarised as follows:
- Development of a CCTV policy should be accompanied by a Privacy Impact Assessment, setting out the reasons for making CCTV recordings, the various privacy risks and methods of managing those risks;
 - CCTV in licensed vehicles is invasive and all passengers need to be advised where CCTV is in use;
 - CCTV should be capable of being turned off while the vehicle is not used as a taxi or private hire, and should be turned on when in use;
 - Audio recordings should only be made when a 'panic' or alert' button is pressed, by driver or passenger;
 - CCTV footage to be retained on the hard drive for the vehicle for a minimum of 31 days; and
 - CCTV video and audio recordings to be retained, stored and disposed of in accordance with clearly stated procedures.
- 3.8 The working group also heard from one contributor to the group of the benefit in stating very clearly in the policy the minimum standard of equipment, the list of preferred suppliers, and the data controller responsibilities.

CCTV policy, specifications and practical concerns

- 3.9 A draft CCTV policy is attached at **Appendix C**. The draft policy would need to be consulted upon, and all objections or comments responded to.
- 3.10 The draft CCTV policy includes technical guidance for licence holders about the standard of CCTV system that will need to be fitted in order to comply with the policy. It includes a specification for the quality of video and audio, data control requirements and retention periods.
- 3.11 In order to have practical effect, the final policy, following consultation, will also need to be supported by two other policies or arrangements. First, once the CCTV system specification is finalised, the council will need to establish a preferred supplier list. Only companies on the list will be authorised to install or maintain CCTV equipment, and the council will only have equipment such as decryption software for those companies' CCTV systems. Second, the council will need to

develop a policy and explore funding options if the recent offer of subsidising £250 (around half of the estimated cost of CCTV system) is to be continued for Leeds licence holders.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 It is proposed that new consultation take place, in Leeds, and if possible in neighbouring councils about the standard of CCTV system, and supporting arrangements.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no implications for equality and diversity /cohesion and integration.

4.3 Council Policies and City Priorities

- 4.3.1 The council's Taxi and Private Hire Licensing is in line with the following council priorities and policies.

Best Council Plan

- 4.3.2 The council's licensing policies contribute towards the following Best Council Plan objectives:

- Keeping people safe from harm, protecting the most vulnerable.
- Improving access to affordable, safe, and reliable connected transport for young people.

Climate Emergency

- 4.3.3 Taxi and Private Hire Licensing also contributes towards the following Climate Emergency priority in the Council Plan:

- Improving air quality, reducing noise and emissions.

- 4.3.4 Leeds City Council has both a moral and legal obligation to discharge its duty of care in respect of children and vulnerable adults across all of its services. This cannot be achieved by any single service or agency. Safeguarding is ultimately the responsibility of all of us and depends on the everyday vigilance of staff who play a part in the lives of children or adults at risk of harm.

5.0 Resources and Value for Money

- 5.1 It is likely that adopting a new CCTV policy in itself may not have an impact on public or driver safety or on resources and value for money. If the new policy resulted in much more widespread installation and use of CCTV, there are two areas of concern about resources and value for money.

- 5.2 In recent years, Safer Leeds has established a fund where licence holders can claim £250 of the cost of fitting a compliant CCTV system. The council has sufficient funds remaining to fund installation of a further 50 CCTV systems, but it is unlikely for the council to be able to secure one funding source for 5000 vehicles costing £1.25m.

Clearly, the consultation will generate some interest, and may give an indication of the level of take up with or without a subsidy.

- 5.3 It is also likely that, having encouraged CCTV to be used more widely in vehicles in Leeds, this will lead to an increase in taxi and private hire licensing workloads in checking CCTV installation and requests for CCTV footage, as the council, not the driver or operator will be the data controller for the CCTV systems.

6. Legal Implications, Access to Information and Call In

- 6.1 The consultation on the draft CCTV policy may raise legal implications, or requests for further information. The council may seek legal advice on the responses, however it is not expected to be challenging if the policy maintains the council's approach to CCTV being voluntary, rather than mandatory.

7. Risk Management

- 7.1 The council has a taxi and private hire risk on its risk register relating to the risk of harm coming to a person in Leeds using a taxi or private hire vehicle not licensed by Leeds City Council. The council is the responsible organisation for regulating the taxi and private hire industry so that people in Leeds using taxi and private hire vehicles are safe and feel safe. The current assessment of the control of the risk is 'Good', but it is unlikely that the assessment would be more positive until national licensing and enforcement powers and IT systems are in place.
- 7.2 Having more widespread use of CCTV in taxi and private hire vehicles may act to deter some violence, anti social, dishonest or inappropriate behaviour, and would also help detect such behaviour if it was reported. It will not, however, prevent such behaviour from taking place.

8. Conclusion

- 8.1 There is a degree of consensus, in Leeds and in the UK, that more widespread use of CCTV could act to make passengers and drivers feel safe in taxi and private hire vehicles. CCTV remains intrusive, however, so there needs to be clear guidance and safeguards about how CCTV should be used.
- 8.2 The council has tasked a working group to consider the safety, privacy and practical aspects of a new CCTV policy for Leeds. The report has outlined the main findings of the CCTV working group, and shared for discussion and subsequent consultation a draft CCTV policy in line with national guidance.

9. Recommendations

- 9.1 That committee members note the purpose and content of the information in this report.

- 9.2 That members make specific recommendations for areas to be consulted upon in the development of a new CCTV policy for taxi and private hire vehicles.

Additional documents:

Taxi & Private Hire Licensing – Proposed working group on CCTV in taxi and private hire vehicles, report to Licensing Committee, August 2019

<https://democracy.leeds.gov.uk/documents/g9676/Public%20reports%20pack%2013th-Aug-2019%2010.30%20Licensing%20Committee.pdf?T=10>

Local Government Association – guidance on developing a mandatory approach to CCTV in taxi and private hire, January 2019

<https://www.local.gov.uk/developing-approach-mandatory-cctv-taxis-and-phvs>

Department of Transport: Taxi and Private Hire Vehicle Licensing: Protecting Users, Statutory Guidance for Licensing Authorities, February 2019:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/778276/taxi-phv-licensing-protecting-users-draft-stat-guidance.pdf

Task and Finish Group for DfT, Taxi and Private Hire Vehicle Licensing: Steps towards a safer and more robust system, September 2018:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/784216/taxi-phv-licensing-protecting-users-draft-stat-guidance.pdf

Surveillance Commissioner - Surveillance Camera Code of Practice, 2014

<https://www.gov.uk/government/publications/surveillance-camera-code-of-practice>

Information Commissioner: In the picture: A data protection code of practice for surveillance cameras and personal information, 2017

<https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>

Appendix 1 CCTV Working Group Terms of Reference

Appendix 2 CCTV Working Group members and list of people attending working group meetings