

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.