

**STROUD DISTRICT COUNCIL**

**COMMUNITY SERVICES AND LICENSING COMMITTEE**

**THURSDAY, 1 DECEMBER 2022**

<b>Report Title</b>	<b>CCTV IN TAXIS AND PRIVATE HIRE VEHICLES</b>			
<b>Purpose of Report</b>	Consider the results of the survey on whether there are local circumstances that would make it proportionate to impose mandatory CCTV in Stroud licensed taxi and private hire vehicles.			
<b>Decision(s)</b>	<b>The Committee RESOLVES to:</b> <ul style="list-style-type: none"> <li>a. Agree that there is not strong enough local evidence to support mandatory CCTV in taxis and private hire vehicles</li> <li>b. Agree to review and enhance the current policy on optional CCTV in taxis and private hire vehicles.</li> </ul>			
<b>Consultation and Feedback</b>	<a href="#">Public consultation with online survey</a> <a href="#">Press release on consultation</a>			
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<b>Options</b>	Alternatively, Committee may decide that there is strong enough local evidence to support mandatory CCTV in taxis and private hire vehicles, and request further work to develop an appropriate policy			
<b>Background Papers</b>	<a href="#">Statutory taxi and private hire standards Report to Community Services and Licensing Committee 24<sup>th</sup> March 2022 agenda item 7</a>			
<b>Appendices</b>	Appendix A – Results of Consultation on Mandatory CCTV in licensed vehicles			
<b>Implications (further details at the end of the report)</b>	Financial	Legal	Equality	Environmental
	No	Yes	No	No

## 1. INTRODUCTION / BACKGROUND

- 1.1 The Statutory Taxi and Private Hire Vehicle Standards issued in 2020 recommend 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 taking into account potential privacy issues.”
- 1.2 The Department for Transport’s view is that “CCTV can provide additional deterrence to prevent the potential risk to public safety and has an investigative value if there is an incident. It can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers.”

- 1.3 However, the Department for Transport adds that “imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review”. Such a policy could impact on the privacy of the passenger and the driver and will have cost implications to the vehicle licence holder and introduce a responsibility to the Council to be the data controller for all data captured.
- 1.4 The Gloucestershire Licensing Officers group agreed a County consultation document which each authority used to identify if there is local evidence in their own district that would support a mandatory CCTV policy. Each authority will make its own decision, based on local evidence.
- 1.5 Community Services and Licensing Committee approved undertaking a public consultation on this matter at its meeting on 24<sup>th</sup> March 2022. The survey started in July 2022 to match the timings of some of the other Gloucestershire authorities. Gloucester and Cheltenham consulted at the same time as Stroud. However, Tewkesbury, Cotswold and Forest of Dean are just starting the process.

## **2. SURVEY RESULTS**

- 2.1 Public consultation was undertaken using an online survey. The survey was open between 4<sup>th</sup> July 2022 to 14<sup>th</sup> August 2022. Links to the survey were circulated to all taxi and private hire licence holders, Ward Councillors, Town and Parish Councils and relevant agencies. There was a press release on 20<sup>th</sup> July 2022 to encourage public comments.
- 2.2 The full results of the survey are Appendix A to this report. Page 2 and 3 of the Appendix show the percentage responses to each question and the following pages detail all comments made by the respondents.
- 2.3 There were 69 responses to the survey. 32 of the responses were from taxi and private hire licence holders, 24 were from the public and 13 were from agencies, Councillors and Town Parish Councils.
- 2.4 63% of responses agreed that CCTV will benefit the safety of passengers and 75% agreed it would benefit the safety of drivers. 68% agreed that that it would reduce the fear of crime.
- 2.5 30% of responses felt that there were adverse effects on the privacy of passengers and drivers. 57% felt the benefits to public safety outweigh the adverse effect on privacy.
- 2.6 60% of responses felt that the benefits to public safety outweigh the costs incurred by licensed holders.
- 2.7 13% of responses felt there were local examples where CCTV could have been beneficial to public safety and 11% felt there were local examples for driver safety. However, the comments demonstrate very few actual local examples with just one where a passenger felt unsafe when a driver did not take a direct route and three examples of assault or allegations against drivers. Licence holders can already have video CCTV in their vehicles if they choose for their own protection.
- 2.8 **Overall, 50% agreed there were local circumstances that were proportionate to make CCTV mandatory in Stroud district and 50% disagreed.**

- 2.9 There were further questions about audio recording. 60% felt audio recording would benefit passenger safety and 69% felt it would benefit driver safety. 63% felt audio would reduce the fear of crime. Of the 50% that felt CCTV was proportionate, 58% of those felt it should be video and audio.
- 2.10 There was a wide range of comments to all the questions which demonstrate some strong views and interesting points. Below is a summary of comments. The full list of responses is detailed in Appendix A.
- Women and vulnerable groups would feel safer with CCTV, especially at night
  - More likely to be the driver rather than the passenger that is at risk
  - CCTV makes people feel safer
  - One example of a female driver being assaulted and another of a driver being assaulted and then the passenger alleging it was the driver's fault
  - One example of a daughter being frightened when taxi did not take her on direct route
  - Gloucestershire County Council's Integrated Transport Unit states that contract drivers have been assaulted by passengers or had allegations against them made by passengers, CCTV provided evidence
  - Gloucestershire Council School contracts already require mandatory CCTV
  - Drivers would be protected against false allegations
  - It would deter assaults on drivers
  - It would deter non-payment by customers
  - It would be a deterrence to bad behaviour by customers
  - It would provide evidence for offences
  - Safety must take priority over cost
  - May be more appropriate in main city centres rather than a rural district like Stroud
  - It may be proportionate for taxis but not so much for private hires which are pre-booked in advance
  - It should be optional for the licence holder to decide if they want to have CCTV
  - Audio is important to provide context to an incident
  - Audio would help deter threats/abuse to drivers
  - There are already checks in place to ensure suitability of drivers
  - Some customers have confidential conversations they would not want recorded
  - Passengers will find it intrusive and unacceptable
  - Intrusion on driver privacy
  - Concerns on how captured data is stored and how it is used
  - Cost would be a burden on the licence holder and some may give up
  - Difficult to have opinion without knowing what cost would be
  - If imposed there should be financial support from the Council
- 2.11 Gloucestershire Council Council's Integrated Transport Unit were one of the respondees that support mandatory CCTV. GCC have already introduced mandatory CCTV on all contracted transport for example school transport. Any taxis or private hire vehicles that have GCC contracts must have video and audio CCTV installed and be operational for those journeys. The CCTV equipment used must meet GCC specifications and be able to be stored securely for 30 days. Footage must be supplied by the vehicle operator to GCC on request. GCC are the data controller.
- 2.12 There were some queries raised about the cost of CCTV. It is difficult to determine this at this stage as it would be dependent on what specifications are required in a CCTV policy. However, as a guide it would be likely to be at least £400 to £500.

- 2.13 The Police have not provided any specific cases or offences against passengers or drivers in Stroud District Council licensed vehicles.
- 2.14 There seems to be some feeling that it is the drivers that are more likely to be at risk rather than the passengers, either from assault or false allegations. Generally, the trade themselves are not in support of mandatory CCTV. They can already, under our current policy, install CCTV if they choose to. However, our current policy does not allow continual audio recording. Any licence holders that have school contracts have a contractual obligation to have CCTV installed that records continual video and audio. The Licensing Manager has authorised licence holders that hold a Gloucestershire County Council contract, to engage audio recording for contract journeys only.
- 2.15 There have been some recent incidents in the Stroud area of attacks on women. At a public meeting about this it was raised that women feel intimidated by males when waiting on the taxi rank in Stroud. However, there are no allegations that women are at risk or feel unsafe once they are in a taxi. Safety whilst waiting at the taxi rank is being considered separately by Licensing and Community Safety Officers and options are being looked at to address this.

### 3. CONCLUSION

- 3.1 The result of the survey shows that there is fairly strong local opinion that CCTV, both audio and video, would help protect the safety of the customer and the driver. Additionally, there is fairly strong opinion that it will reduce the fear of crime. However, there are concerns, from both the drivers, and from some members of the public, regarding privacy. Additionally, the drivers and some members of the public have concerns about the cost implications.
- 3.2 The purpose of the consultation was to see if there is local evidence that would make it proportionate to make CCTV mandatory. The Statutory Guidance says local Councils require an appropriately strong justification in order to introduce a blanket approach.
- 3.3 Although 63% of responses felt CCTV protects passengers, there was little local evidence provided to demonstrate that passengers are at risk in a Stroud District Council licensed vehicle. 75% of responses felt CCTV would benefit drivers, however if drivers feel they are at risk they already have the option to install CCTV in their vehicle if they wish. **The overall response as to whether there are local circumstances that would make it proportionate to make CCTV mandatory was 50/50.**
- 3.4 The **recommendation** of this report is that the results of the consultation do not give strong enough justification to impose mandatory CCTV on all taxi and private hire vehicles at this time.
- 3.5 If Committee agree with this recommendation, further work can be done to improve the current policy on optional CCTV in taxis and private hire vehicles. This would include considering whether continual audio recording should be permitted and how recorded data is kept secure. Where appropriate this will be as joint work with the other Gloucestershire local authorities to ensure consistency within the County.
- 3.6 If the Committee concludes that there it there is justification and it is proportionate to impose mandatory CCTV, further work will need to be done to develop policy and specification on installation and operation of CCTV equipment as well as seeking legal advice on GDPR issues connected with the Council becoming the data controller.

## **4. IMPLICATIONS**

### **4.1 Financial Implications**

There are no direct financial implications arising from this report

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### **4.2 Legal Implications**

The Statutory Taxi and Private Hire Vehicle Standards sets out a framework of policies that the Council must have regard to when exercising their functions. The Department expects the recommendations made to be implemented unless there is a compelling local reason not to.

The Council must have appropriately strong justification for mandating CCTV in taxis and private hire vehicles, namely they must have identified a problem that needs to be addressed and be able to justify why they consider mandating CCTV to be a proportionate and effective solution over less intrusive options. In undertaking this assessment, the Council must balance the right to privacy with the duties to safeguard the public.

Any policy mandating CCTV must be kept under regular review and must operate in a way that does not cause undue interference with the human rights of taxi occupants and drivers. It must also operate in a manner compatible with the Data Protection Act 2018 and the Protection of Freedoms Act 2012, together with guidance issued by the Surveillance Camera Commissioner and the Information Commissioners Office.

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### **4.3 Equality Implications**

There are not any specific changes to service delivery proposed within this decision.

### **4.4 Environmental Implications**

There are no significant implications within this category.