

North East Derbyshire District Council

Licensing Committee

4 October 2021

Mandatory CCTV in Taxis

Report of the Solicitor & Deputy Monitoring Officer

Classification: This report is public

Report By: Kevin Shillitto, Solicitor & Deputy Monitoring Officer

Contact Officer: As above

PURPOSE / SUMMARY

1. To invite Council to approve a policy on mandatory CCTV in taxis.
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RECOMMENDATIONS

1. That Council approve the recommendation from Licensing Committee that the final draft Policy be adopted.

Approved by the Portfolio Holder - [Click here to enter text.](#)

IMPLICATIONS

Finance and Risk: Yes No

Details:

While the purchase of CCTV systems will be a burden which falls on vehicle proprietors there will be consequences for the authority including:

- Purchase and maintenance of equipment allowing Council officers to access footage
- Training of vehicle inspectors to verify CCTV installation plus additional time taken to test vehicles
- The additional officer time incurred in obtaining and viewing footage from vehicles for investigation purposes
- Training of proprietors/drivers in their data protection obligations (as part of our responsibility as Data Controller for the CCTV footage)
- The additional officer time incurred in obtaining and viewing footage from vehicles where requested under data protection laws by anyone who is subject to recording (for any purpose whatsoever)

Eventual implementation of the policy will need those resource implications to be resolved. However some elements of the additional resource burden would be recoverable from the licence holders via an increase in licence application fees.

On Behalf of the Section 151 Officer

Legal (including Data Protection): **Yes** **No**

Details:

The Council must have reasonable grounds for introducing the policy. Statutory guidance indicates the policy will be reasonable unless compelling local reasons exist not to introduce it. Any such policy must also operate in a way that does not cause undue interference with the human rights of taxi occupants, and work in a manner compatible with the requirements of the ICO and SCC.

On Behalf of the Solicitor to the Council

Staffing: **Yes** **No**

Details:

[Click here to enter text.](#)

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p>BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/></p> <p>NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>District Wards Significantly Affected</p>	N/A

Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input checked="" type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Public consultation, Licensing Committee Communities Scrutiny
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Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.
All

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 1.1 In 2018 the Council approved a taxi licensing policy which was at the leading edge of best practice, regional standards and Government guidance in force at that time.
- 1.2 In recent years some local authorities have introduced a requirement for mandatory CCTV in licensed taxis, in response to local issues where CCTV could make a difference. In July 2020 the Government issued their revised Statutory Taxi & Private Hire Vehicle Standards. This guidance, which the Council has a statutory obligation to have regard to, clearly demonstrates that authorities are expected to introduce mandatory CCTV in taxis unless there is a compelling local reason not to.
- 1.3 A draft policy was subject to consultation with stakeholders, including licence holders, and the public. Licensing Committee members considered the responses to that consultation and agreed a final draft policy (Appendix 1) which was recommended to Council for adoption.

2. **Details of Proposal or Information**

- 2.1 Attached at Appendix 1 is the final draft policy agreed by Licensing Committee following their consideration of the consultation responses on 27 July 2021.
- 2.2 The policy reflects the Government's latest statutory guidance and the expectation that mandatory CCTV will be introduced unless a compelling local reason exists not to do so.
- 2.3 The consultation received approximately a dozen responses, details of which were set out in the report to Licensing Committee.

- 2.4 Members did not consider that the consultation generated any compelling reasons not to proceed with the policy proposal. Concerns from licence holders over costs were an acceptable consequence of the policy, although sources of financial assistance are being explored. Concerns over the possibility of exemption from the policy in limited circumstances can be addressed through the right of licence holders to apply for Licensing Sub-Committees to consider their individual requests.
- 2.5 Accordingly the policy has been recommended to Council for approval.

3 Reasons for Recommendation

- 3.1 The Council's policy proposals will ensure compliance with legal requirements. A comprehensive process has been followed, including public consultation and a review of the Equality Impact Assessment for the taxi licensing policies. In doing so no compelling local reasons have been identified to suggest we should depart from the Government's new statutory guidance in this respect.

4 Alternative Options and Reasons for Rejection

- 4.1 The Council could decline to introduce the policy. However in the absence of compelling local reasons to do so the Council could be in breach of its duty to have regard to the Government's current statutory guidance.

DOCUMENT INFORMATION

Appendix No	Title
1	Consolidated Policy Document
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
See the reports to Licensing Committee dated 22 October 2020 and 21 July 2021.	