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To: All Members of the Licensing
Committee

Please ask Shaun Banks (Telephone:
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Dear Councillor,

Licensing Committee – Thursday, 14 June 2018

I refer to the agenda for the above meeting and enclose the report in relation to the following Agenda Item:

5. Consideration to Introduce a Policy to Require CCTV within Hackney Carriage and Private Hire Vehicles (Pages 3 - 6)

Yours faithfully,

Shaun Banks

Shaun Banks (Telephone: 01793 463606)
for Director of Law and Democratic Services



Stephen P. Taylor M.A (Oxon), Solicitor
Director of Law and Democratic Services

Consideration to introduce a policy to require the installation of CCTV within Private Hire and Hackney Carriage Vehicles

Licensing Committee

Date: 14 June 2018

Author: Kathryn Ashton – Licensing Manager
Wards: All
Parishes Affected: All

1. Purpose and Reasons

- 1.1 The purpose of this report is to consider introducing a policy to require CCTV within licensed Hackney Carriage and Private Hire Vehicles.

2. Recommendations

That the Committee:

- 2.1 Agrees to the introduction of a policy in respect of CCTV to be introduced within licensed vehicles so that:

All new vehicles licensed with the Council on or after 1st October 2018 be fitted with CCTV; and

All vehicles licensed with the Council at the time of implementation of this policy be fitted with CCTV on or before 1st October 2019.

- 2.2 Agrees to grant delegated authority to the Licensing Manager to refuse any CCTV system that does not comply with data protection requirements and the Information Commissioner's Office 'CCTV Code of Practice' and to accept those that comply.
- 2.3 Agrees to a the introduction of a CCTV policy which will be subject to an 8 week consultation exercise the results of which will be brought back to Committee for consideration, including any proposed amendments, prior to being endorsed by Full Council

3. Detail

- 3.1 In accordance with The Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847, a licence must be obtained in order to drive a Hackney Carriage or Private Hire vehicle. In determining whether a licence can be granted the Council must be satisfied that they are a 'fit and proper' person or to be clearer a 'safe and suitable' person.
- 3.2 The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must be able to trust the driver to be honest competent and safe. Taxi drivers can often convey elderly, children and vulnerable persons for a host of reasons. The Licensing Authority has an

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: kashton@swindon.gov.uk

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onerous responsibility to ensure their safeguarding role, including Child Sex Exploitation, is carried out adequately and effectively.

- 3.2 The installation of CCTV in licensed vehicles can be both a deterrent to would-be trouble makers and a source of evidence in cases of disputes between drivers and passengers. If fitted correctly it can assist Police and the Licensing Authority with their investigations. The CCTV should be recording at all times when the vehicle is being used as a licensed vehicle.
- 3.3 The Licensing Authority receives complaints and allegations regarding behaviour of a driver with passengers and sometimes complaints from drivers in respect of passenger behaviours. Unfortunately there have been occasions where a driver's licence has been suspended or indeed revoked, following investigations, due to inappropriate behaviour.
- 3.4 Officers are of the opinion the overarching principle behind the licensing of private hire and hackney carriage vehicles is one of public safety. Based on this overarching principle officers consider that the requirement of CCTV in licensed vehicles is proportionate in safeguarding the fare paying public. Any CCTV system which would be required as part of any policy agreed would be subject to approval from the Licensing Authority.
- 3.5 Currently we have 4 individual drivers who have been fortunate to retain their licence following serious allegations made, subject to the installation of CCTV within their vehicles. We also have a number of vehicles which have CCTV installed but this is not approved or checked with the Licensing Authority this is simply choice of the proprietor. There are no controls on how the data is used currently for those systems installed at the proprietor's discretion.
- 3.6 Therefore we would ask the Committee to agree to the following:

The introduction of a CCTV policy which will subject to an 8 week consultation exercise the results of which will be brought back to Committee for consideration, including any proposed amendments, prior to being endorsed by Full Council. It should be proposed that:

All new vehicles licensed with the Council on or after 1st October 2018 be fitted with CCTV; and

All vehicles licensed with the Council at the time of implementation of this policy be fitted with CCTV on or before 1st October 2019.

- 3.7 Any CCTV system shall comply with data protection requirements and the Information Commissioner's Office 'CCTV Code of Practice'.

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4.0 Options

- 4.1 The Committee endorse the proposal for mandatory CCTV within licensed vehicles;
- 4.2 The Committee determine that there is no requirement for CCTV within licensed vehicles;
- 4.2 The Committee determine that CCTV be at the discretion of licensed drivers.

5.0 Consultation with the trade

- 5.1 There has been no consultation by the Licensing Authority as yet in respect of this proposal.

6. Conclusion

- 6.1 It is intended that if Members agree to the introduction of the Policy it shall take effect as outlined in 2.1 above.

7 Financial and Procurement Implications

- 7.1 There may be a direct financial implication for individual licence holders arising from the proposal recommended by this report, as they will be required to install approved CCTV system to their vehicle. However, it is considered that the benefits in respect of protecting both the public and drivers outweighs the financial implications.
- 7.2 The change to the policy would not impose additional costs nor generate any income for the Council.

8 Legal and Human Rights Implications

- 8.1 A declaration has been made by the Secretary of State, that the Licensing Act is compliant with the Human Rights Act. None of the relevant Articles of the Human Rights Act has absolute sway over the others. Article 8 deals with a right to undisturbed home life; Article 10 gives the right to free expression, including the right to entertain; Article 1 of the Protocol says that licences are 'possessions', which the holder has a right to enjoy. Common sense has to be used, in balancing each of these against the other.

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- 8.2 All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

This report relates to the requirements of licensing legislation.

9.0 Diversity Impact Assessment

A DIA has been produced in respect of this report and is available on request.

10.0 Consultees

The Director of Law and Democratic Services (Monitoring Officer) is consulted in respect of all reports.