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The Chair and Members of Appeals
and Regulatory Committee

22 June 2022

Dear Councillor,

Please attend a meeting of the APPEALS AND REGULATORY COMMITTEE to be held on WEDNESDAY, 29 JUNE 2022 at 10.00 am in Committee Room 1 Town Hall Chesterfield, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to items on the agenda
2. Apologies for Absence
3. Minutes (Pages 3 - 6)
4. Hackney Carriage and Private Hire Licensing Policy - CCTV Consultation Findings (Pages 7 - 16)

Yours sincerely,

A handwritten signature in black ink, appearing to be "S. Smith", written over a white background.

Head of Regulatory Law and Monitoring Officer

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APPEALS AND REGULATORY COMMITTEE

Wednesday, 27th April, 2022

Present:-

Councillor A Murphy (Chair)

Councillors	Perkins Bellamy Bingham G Falconer P Innes Marriott	Councillors	Miles S Niblock Rayner Redihough Rogers
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*Matters dealt with under the Delegation Scheme

**110 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS
RELATING TO ITEMS ON THE AGENDA**

No declarations of interest were received.

111 APOLOGIES FOR ABSENCE

Apologies for absence was received from Councillors Flood and Perry.

112 MINUTES

RESOLVED

That the minutes of the meeting of the Appeals and Regulatory Committee held on 9 March, 2022 be approved as a correct record and signed by the Chair.

**113 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY -
POLICY AMENDMENT CCTV**

The Licensing Manager presented a report on the Hackney Carriage and Private Hire Licensing Policy – CCTV and sought approval of the design of consultation.

In July 2020 the government published its document Statutory Taxi and Private Hire Vehicle Standards which included guidance on the implementation of CCTV in taxis and private hire vehicles. The Standards document requires Licensing Authorities to consider the installation of CCTV matter and consult on it.

On 15 December 2021 members authorised a consultation on whether there should be implementation of CCTV in taxis and private hire vehicles and decided that the design of the consultation be brought back to a future meeting for approval.

***RESOLVED –**

That the design of the consultation be approved.

114 **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY -
POLICY AMENDMENT EXEMPTION FROM SIGNAGE REGULATIONS**

The Licensing Manager presented a report on the Hackney Carriage and Private Hire Licensing Policy – Exemption from Signage Regulations and sought approval to amend signage for a limited period of one month before and three months after the Queen’s Jubilee on 2 June, 2022.

The council’s taxi and private hire licensing policy limited signage allowed on licensed vehicles and all signs must be authorised by a licensing officer before they can be used, however, the Appeals and Regulatory Committee may authorise the display of signs in support of specific causes in a manner and duration specified by them.

***RESOLVED –**

1. That the exemption be approved for the period of one month before and three months after the Queen’s Jubilee on 2 June, 2022.
2. That the Licensing Officers be granted delegated authority to determine similar requests for exemptions.

115 **INTRODUCTION OF A FEE FOR TRANSFER OF A SEX SHOP
LICENCE**

The Licensing Manager presented a report seeking approval for the introduction of a fee for the transfer of a Sex Establishment Licence (sex shop).

Sexual establishments were regulated by the Local Government (Miscellaneous Provisions) Act 1982.

There was one establishment in the borough and a request to transfer the licence had been received, however, the transfer of a licence had not been considered when the provisions were reviewed back in 2009.

Research into the approach of neighbouring and similar Local Authorities with a fee for the transfer of a sexual establishment licence had been carried out and the common approach was to charge at least 50% of the figure for the grant.

***RESOLVED –**

That the fee for the transfer of a sexual establishment licence be set at £850.

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For publication

Hackney Carriage and Private Hire Licensing Policy -

Meeting: Appeals and Regulatory Committee

Date: 29 JUNE 2022

Cabinet portfolio: Health and Wellbeing

Report by: Licensing Manager

Policy Amendment

For publication

1 PURPOSE OF REPORT

- 1.1 To consider the findings from a consultation with the taxi trade on whether Closed Circuit Television (CCTV) should be required in taxis and private hire vehicles licensed by the council.

2.0 RECOMMENDATIONS

- 2.1 Members determine whether CCTV should be mandated in our taxis and private hire vehicles.
- 2.2 If members decide to mandate the installation of CCTV, all reasonable costs of the council should be passed onto licence holders.

3.0 REASON FOR RECOMMENDATIONS

3.1 The consultation has concluded, and the recovery of costs is reasonable in the circumstances.

4.0 BACKGROUND

4.1 Current council policy permits CCTV in licensed vehicles in line with legislative requirements, but it does not mandate it.

4.2 The government publication [Statutory Taxi and Private Hire Vehicle Standards](#) requires all licensing authorities to consult in order 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. The government expects recommendations from the report to be implemented unless there is a compelling local reason not to.

4.3 Members met on 15 December 2021 and authorised a consultation to ascertain the views of the trade and other consultees on whether there should be implementation of CCTV in taxis and private hire vehicles. The committee decided that the design of the consultation be brought back to a future meeting for approval.

4.4 On 27 April 2022 the committee approved a consultation process, facilitated by members of the council's corporate directorate. The consultation lasted for one month and has now ended, Appendix A contains the full report with the key elements highlighted below.

4.5 All licence holders were contacted, that is drivers, operators and vehicle proprietors together with key stakeholders such as the police, County Council and Sheffield City council. All district councils in Derbyshire were also contacted. A total of 1,240 questionnaires were circulated and 23 responses were received (2%).

- 4.6 To reach as many participants as possible the survey took place both online (via the link or QR code) and by paper.
- 4.7 Main findings
- 4.8 Most responses (21) came from licence holders.
- 4.9 When asked about potential positives for installing CCTV responses included:
- a) Protection and safety for both driver and passenger.
 - b) Prevention and detection of crime.
 - c) Safeguarding.
 - d) Collection of evidence and a good backup in case something happens.
 - e) Safety and reassurance.
 - f) A deterrent to prevent non-payment of fares.
- 4.10 When asked about potential barriers or issues the respondent had identified, responses included:
- a) Cost (a recurring theme), not just for the licence holder but also for the council in its monitoring role.
 - b) Safe keeping of images.
 - c) Unscrupulous drivers who might use the footage for non-legal reasons.
 - d) Issues around improper recording of audio.
 - e) Length of time images could be stored.
 - f) An additional cost on top of other rising costs.
 - g) Intrusion of privacy.
 - h) Data protection.
- 4.11 When asked if they had any other comments to make, responses included:
- a) The costs do not justify installation, again this was a recurring theme.
 - b) CCTV should not be mandated, it should be left to the driver or operator.

- c) We allow tinted windows that prevent people looking in, so why have CCTV to protect the inside?
- d) The council should choose a cheaper option than Rotherham Council did.
- e) The council should pay for the installations.
- f) CCTV will reduce the number of taxis and private hire vehicles as people can't afford the costs.
- g) Unless the council is going to reduce other costs, such as moving to an annual MOT, then it should remain optional.
- h) The level of recorded crime does not justify CCTV being mandated.
- i) I think it's a good idea, but make sure there is a local, council approved installer.

4.12 As stated in previous reports, a licensing authority that mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data as the data controller and the purchase of CCTV systems will have cost implications for vehicle proprietors. The council would also assume the role of System Controller under the Protection of Freedoms Act 2012, these responsibilities would have significant cost implications for the council.

4.13 A current estimate for the installation of a CCTV system meeting the required standards is in the region of £500 - £800. This cost would be borne by the licence holder.

5.0 EQUALITIES IMPACT ASSESSMENT (EIA)

5.1 A full equalities impact assessment has not been completed at this stage, but if CCTV is mandated the council would have to conduct a full EIA.

6.0 RISK MANAGEMENT

6.1 A full risk management assessment has not been completed at this stage, but the issues of risk and proportionality are outlined in the body of the report.

7.0 RECOMMENDATIONS

- 7.1 Members determine whether CCTV should be mandated in taxis and private hire vehicles licensed by this council.
- 7.2 If members decide to mandate the installation of CCTV, all reasonable costs of the council should be passed onto licence holders.

Further information on this report is available from Trevor Durham, licensing manager at trevor.durham@chesterfield.gov.uk

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CCTV in taxis survey 2022

This report was generated on 26/05/22. Overall 23 respondents completed this questionnaire. The report has been filtered to show the responses for 'All Respondents'. A total of 23 cases fall into this category.

The following charts are restricted to the top 12 codes. Lists are restricted to the most recent 100 rows.

Please indicate in what capacity you are answering these questions:



If other, please provide more details here:

Driver and operator

Na

What do you think are the potential positives for installing CCTV in taxis and private hire vehicles?

Safety of the driver, most CCTV are operated on loop basis and a panic button so that it is the driver who makes the decision to press the button not the passenger. There may need to be some policy that addresses this if we are to protect the passengers, will they have the option to record the incident , continuous recording and safe keeping of that recording is possible but for short periods of time

None

Not worth the cost

Protection for public and licence holders

Safeguarding

To aid prevention of any crime committed by the public or the licensed driver it will help with prevention of any crime towards or by the driver or passenger from possible abuse towards the driver as there is a large amount of ethnic minority groups working in the Taxi & Private hire industry

None

None

Not much other than the obvious

Evidence in case of any problems or incidents occurring

Less Attack on drivers

Safety for customers and drivers

Safety of drivers and passengers

Safety, Reassurance, Accountability, Security, Protection

Good as a backup incase something happens.

What do you think are the potential positives for installing CCTV in taxis and private hire vehicles?

Safety for driver and customers.

Driver safety

None

Crime prevention and deterrent for running without paying. It also would protect drivers from any potential false allegations.

Improved security for the travelling public. Improved safety for licensed drivers.

Safety, security

Are there any potential barriers or issues you have identified?

See previous - Systems on the market, safe keeping of images, who can access the systems. Cost of Council having software to access the multiple systems - or paying for single systems they administer or make licensees purchase,

Costs

Dont need it and we cannot afford to pay.

Cost, cost, cost. The council should identify the best system which meets their criteria and the council could help with costs by negotiating with supplier and installers for the whole licensed fleet.

Cost

Unscrupulous drivers could use the footage for non legal purposes so encryption of data is essential and only the police should be able to view the footage if there is a need Audio could be recorded without the passengers consent an there might be sensitive subjects

Cost cost and more cost

Expenses

Pricing of having them fitted would be an expensive thing

Barriers are that CCTV doesn't keep footage long term in case anything happens after an extended period of time

Costs involved

Cost implications to an already strained trade

N/a

Another overhead on top off other spiralling running costs.

Too expensive. But if the price is right why not. I do need to make you aware there is a brand called Togaurd.

Costs of the cctv being too high or any cost at all.

Passengers do not wish to be recorded going about their day to day business and will avoid using Taxi's fitted with CCTV. Cost of installation and maintenance - as a driver already under extreme financial pressure, this may push me to leave

Cost

Cost. Everything is more expensive right now. This would just be something else to pay on top of expensive fuel prices, insurance, car maintenance, MOT, etc.

Cost of equipment. Cost of extra activities required of Chesterfield BC Licensing staff. This will help provide evidence in the event of an incident, but it won't help to prove that an incident DIDN'T take place (no continuous recording, or sound recording).

Cost, data protection legislation, intrusion of privacy

Do you have any other comments to make?

The cost is not worth the effort.

First fuel cost and cost of everything is too high stop creating new problems for drivers. We do not have money for these expenses.

If we allow tinted windows they why are CCTV required as surely one defeats the other ie cannot see in from outside so if you are stopping people from seeing in why do you need a CCTV system to protect the inside ???

I do not feel CCTV in licensed vehicles should be mandatory as some drivers won't be able to afford the extra cost as now there is high inflation and not something a driver could afford the equipment installed also we are just coming out of a global pandemic also it should be installed by an ICO & GDPR installer

Should be drivers choice if they want CCTV too much big brother

George Orwell 1984

Don't do it

I feel it would be up to the driver/ vehicle owner as to whether they feel it's necessary

CCTV should be voluntary as it costs a lot to buy and although there are benefits, there are also barriers to it.

I do believe that not all areas of the taxi/private hire trade would need CCTV and it should be up to the driver or operator to decide if they need it with guidance from the licensing team

N/a

Some customers would consider CCTV as an intrusion and a breach of privacy.

You don't need to make the same mistake as Rotherham Council.. the approved companies who fit cameras have had a lot of problems in the recent years. There are better quality cameras where you don't need to charge the driver £500 to £800. It's far too expensive. I'm not against the cameras. But the price needs to be right. The brand Toguard I've mentioned above is a very good camera for inside and outside and the picture quality is amazing on the 4K. I paid around £110. I think it's more suited. Specially the price. All it requires is a SD card.

The cost should be covered by the council itself. It's not fair on drivers who contribute a lot towards the council with fees etc anyway. Adding this to our costs would be substantial for us and many will not be able to afford it.

This will lead to fewer Taxi's (PH) in a trade already reduced and under extreme financial pressure, so increase in:- angry people because they can't get a Taxi (Taxi driver receiving abuse and abusive behaviour towards vehicle), public drink driving, People walking home late at night (assaults, robbery, injury), Fake Taxi's, higher Police and ambulance demand, slower evacuation of towns after closing, Anti social behaviour, criminal damage, lower night time economy trade, reduction in Business rates and death of town centres. Consult with the Public stood waiting for Taxi's of an evening/night. Fewer Taxi's mean people can't get to/from work, Hospital appointments, A&E (111 use Taxi's in place of Ambulances). Financial pressure on Drivers - work longer hours, spend less on the vehicle, no re-investment pot for "greener" transport. Local Authorities handed out £1,000's in Grants to the Wedding industry to support suppliers of Sweet Carts and Table Centre decorations, but didn't support the Taxi trade.

20 recorded crimes since July 2021, out of thousands of fares doesn't justify or warrant CCTV in taxis.

Unless costs can be saved elsewhere, such as a yearly MOT, instead of 6 months, for example, then it should remain optional to have CCTV.

If this is to be mandated (and I think it is a good idea) then please make sure there is a local, council approved installer of a council approved system.

The drivers and licence holders are already seeing a significant impact due to the increased fuel costs and the shortage of drivers, neither can afford the cost of putting CCTV in vehicles

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