

LICENSING COMMITTEE

20 March 2023
10.30 am - 12.14 pm

Present: Councillors McPherson (Chair), Bird (Vice-Chair), Divkovic, Gilderdale, Page-Croft, Robertson, Scutt, Levien and Davey

Also present (virtually) Councillor Bennett

Officers

Environmental Health Manager: Yvonne O'Donnell

Legal Adviser: Paul Weller

Committee Manager: Sarah Steed

Producer: Chris Connor

Also present (virtually) Alan Parr (Legal Advisor)

FOR THE INFORMATION OF THE COUNCIL

23/9/Lic Apologies

Apologies were received from Councillor Carling and Councillor Davey attended as alternate.

Councillor Bennett attended the meeting virtually via Microsoft Teams, it was noted that Councillor Bennett could contribute to debate but would not be able to vote.

23/10/Lic Declarations of Interest

Name	Item	Interest
Councillor Levien	23/15/Lic	Personal: Had had a meeting with Taxi Drivers but no opinion had been expressed.
Councillor Scutt	23/15/Lic	Personal: A member of the taxi trade had spoken with them just before the meeting started but no opinion had been expressed.
Councillor Divkovic	23/15/Lic	Personal: A member of the taxi trade had spoken with them just before the meeting started but no opinion had been expressed.

23/11/Lic Minutes

The minutes of the meeting held on 30 January 2023 were approved as a correct record and signed by the Chair.

Post meeting note: It was noted that the minutes for the 30 January 2023 meeting had not been re-set for the new calendar year (2023). The minutes would be re-numbered after the meeting to start from 23/1/Lic to 23/8/Lic respectively.

23/12/Lic Public Questions

Public Speaker 1

- i. Was speaking as an individual, several drivers had asked him to speak. Had been a taxi trade representative in the past.
- ii. The CCTV issue began in 2017, the current council policy required the installation of a public facing camera in taxis. Only 5% of Local Authorities required the installation of CCTV in taxis and 3 Local Authorities disallowed CCTV in taxis. The introduction of CCTV was requested by two people making representations to the Licensing Committee to introduce CCTV in taxis.
- iii. Noted that the consultation regarding the introduction of CCTV started before covid and questioned if it was fit for purpose now. A formal complaint had been submitted regarding the consultation process with reference to the costing exercise.
- iv. No impact report had been considered for those in receipt of benefits or who used foodbanks. 4-5 weeks ago the costing exercise was detailed by 2 lines in the officer's report.
- v. 300 hackney carriage vehicles would need to install CCTV at £444 each which totaled £133,000. The cost to the taxi trade (including those vehicles licenced by South Cambridgeshire District Council) would cost £888,000 plus fitting costs.
- vi. The council's specification for CCTV was 9 pages in length.
- vii. There was no demonstration of the need for CCTV.
- viii. The specification for CCTV was important in the event the footage needed to be used as evidence in a court case.
- ix. The requirement to install CCTV was not a condition on a licence it was put straight into the Council's taxi policy. This took away a person's right to appeal against this requirement; questioned this approach.

The Licensing & Enforcement Manager responded:

- i. Consultations regarding CCTV had been undertaken on a number of occasions since 2017. The consultation had been reviewed in January 2022 following the introduction of new statutory guidance regarding proportionality and reasonableness. A report was presented to the Full Licensing Committee in October 2022. The CCTV specification was also tabled at this meeting.

Public Speaker 2

- i. Was the Chairman of Cambridge City Council Licensed Taxis.
- ii. In 2017 a person holding themselves out to be a trade representative requested the introduction of CCTV in taxis. 250 people from the taxi trade signed a petition opposing this, but this was not considered. Drivers were not happy to have this policy. Hundreds of drivers were outside the council building protesting.
- iii. Circumstances had changed since 2017; there had been a pandemic and a war taking place in Ukraine. The requirement for CCTV should be reviewed; did not think it was fit and proper for the current time.
- iv. Only 5% of councils had introduced CCTV in taxis, that was 15 / 278 councils. The data was available from www.gov.uk. Questioned why Cambridge was within the 15 councils who had introduced CCTV. Council's created policies if there was a need for them. Questioned if there was a real need for mandatory CCTV in Cambridge.
- v. In 2021/22 Cambridge was chosen as the safest place in the UK.
- vi. The Council and the Police agreed that incidents in taxis were minimal; therefore questioned the need for CCTV.
- vii. Had been in contact with CCTV providers provided by the Council. The providers had raised concerns about the installation of CCTV in certain vehicles as there were no fuse boxes for the power supply. Had also been in touch with car dealerships who advised that CCTV was classed as a modification and that modifications to vehicles which were not fitted by their engineers would invalidate the warranty for a new vehicle.
- viii. Drivers should be able to decide whether or not to install CCTV; alternatively, drivers only had to install CCTV if they received a number of complaints.
- ix. Depending on the outcome of the decision, their members would contribute to a legal fund to appeal the decision.

The Licensing & Enforcement Manager responded:

- i. The policy to require the installation of CCTV in taxis was reviewed in January 2022 against the new statutory guidance. Considered the policy was fit for purpose.
- ii. The council was not providing suppliers for the installation of CCTV. The council had provided the specification for CCTV, it was a matter for the taxi trade to choose who to install the CCTV, the only requirement was that the CCTV was installed in accordance with the specification.

Public speaker 3

- i. Was representing Cambridge Taxi Driver Union.
- ii. Felt the committee had been misled into adopting the CCTV policy based on representations from a few individuals.
- iii. The CCTV policy was not in line with Government recommendations.
- iv. The council did not identify a legitimate identified need with the introduction of CCTV. There was no such need in Cambridge.
- v. Noted a comment made by the Chair of Licensing Committee that 'incidences in Cambridge taxis and private hire vehicles were rare'.
- vi. Felt the CCTV policy should be reviewed annually to ensure that it was still necessary. Noted that the Committee had agreed to review the CCTV policy every 5 years, with the first review to take place in 2029; queried why the first review was scheduled to take place in 6 years' time.
- vii. The council's policy regarding CCTV was ambitious but not based on a serious identified pressing need as required by the Update to Surveillance Camera Code of Practice.
- viii. Queried whether the Committee understood the way of life of those who would be affected by their decision as a high proportion of those affected were from a different ethnic community.

The Licensing & Enforcement Manager responded:

- i. Advised members that due process had been followed, this had been checked with the Legal, Information Governance and Procurement Team. The Statutory Guidance (Update to Surveillance Camera Code of Practice as updated 12 January 2022) regarding 'pressing need' had been followed. A report was brought to the October 2022 Licensing Committee which contained evidence around the City and South Cambridgeshire crimes rates within the taxi trade provided by the Police.

Public speaker 4

- i. Was the Vice-Chair of Cambridge City Council Licensed Taxis, had been in the trade for 30 years.

- ii. The CCTV proposals came from 2 people who were taxi drivers. Noted those individuals did not own their own taxi vehicles and were no longer in the trade.
- iii. Expressed security concerns regarding products made in China.
- iv. Had not spoken to any driver who felt that CCTV should be implemented at their cost. Had 2 years of next to no work during the pandemic. Had not been able to save money for a new taxi vehicle. Was aware of drivers who had to rely on food banks to feed their families.
- v. The installation of CCTV in new vehicles could invalidate the vehicle's warranty.
- vi. Noted that the actual installation of CCTV within a vehicle would mean that vehicle couldn't be used for 1-2 days.
- vii. Felt CCTV should only be required where for e.g. 3 or more complaints were made against a driver or a point system could be introduced.
- viii. The implementation of CCTV should be delayed for a year.
- ix. Asked the Committee to reconsider requiring the introduction of CCTV.

Public speaker 5.

- i. Was a hackney carriage driver, had been in the taxi trade for 12 years and it was their first-time attending Licensing Committee. Would speak about CCTV.
- ii. Main concern was around passenger privacy. Did not believe passengers discussing matters would want their conversation to be recorded.
- iii. Drivers would not have access to the CCTV footage.
- iv. The taxi trade was yet to recover from the covid pandemic. The consumer price index had risen by 8.8%. Their rent had increased, which was on top of the increase in cost of electricity, gas, water, council tax, fuel etc. The cost of the CCTV equipment would be unaffordable for most drivers.
- v. Noted reference to crime rates being reduced when CCTV was introduced in taxis; asked where that data could be found?
- vi. Queried if there was a pressing need to justify the introduction of CCTV and if the public were consulted.
- vii. Asked 3 members of the public if they would like CCTV in taxis they said they would be ok. Then gave specific examples of situations such as someone discussing business when travelling / nursing mother then all 3 said they would not like CCTV in taxis.
- viii. Noted a third party would hold the CCTV data. Asked if the council would require the contractor's employees who handled the CCTV data to have an enhanced DBS check undertaken? Asked what would happen if there was a data breach? Did the council have funds to deal with any financial

penalty or legal requirement. Was there a policy in place to deal with these scenarios. Had the council trained employees in these scenarios.

The Licensing & Enforcement Manager responded:

- i. The pressing need for CCTV was contained within the officer report which went to the October 2022 Licensing Committee.
- ii. Confirmed there would be no audio recorded from the CCTV unless the driver or passenger chose to press a button to initiate audio recording.
- iii. The data controller for the CCTV was the City Council. Only named officers within the council would be able to access the CCTV recordings and these would only be accessed if an incident arose where the CCTV needed to be viewed.

Public speaker 6.

- i. Was a hackney carriage driver and was prepared to support the other drivers to take this matter to court as agreed with the points which had been raised.
- ii. Could not afford to install CCTV.
- iii. Asked where they could get a loan to help pay for the installation cost of the CCTV.
- iv. Said that the difference in cost to install CCTV in a saloon car compared to a wheelchair accessible car was high.
- v. Thanked officers and Councillors who attended the Taxi Forums but did not think these should go 'online'.
- vi. Noted that there were a lot of people protesting outside the building and 2 city organisations who represented taxi drivers and drivers themselves had attended the Committee that day to speak against the requirement to install CCTV.
- vii. Noted in the future that there may be congestion charge introduced for travel in Cambridge.
- viii. Noted that the taxi trade were one of the largest transportation modes in Cambridge and they were willing to work with the council.

Councillor Thittala Varkey attended the meeting and made the following comments:

- i. There were 3 elements for consideration with regards to the requirement to install CCTV in taxis 1) cost 2) GDPR 3) cultural impact on service users.
- ii. The report stated that the cost to install CCTV in taxis would cost between £300-500 in a small car but in the case of a van understood the cost to be in the region of £1500.

- iii. The trade was still recovering from the impact of the covid pandemic and had a significant impact on their standard of living. The council's policy would require those with taxi's vehicles to incur £500-1500 expenditure. Felt the council should provide assistance.
- iv. Questioned if jobs would have to be turned down if passengers did not want to be recorded.
- v. Questioned if consultation with service users was undertaken for e.g., with elderly residents and those living in care homes.
- vi. Questioned if consultation was undertaken with taxi drivers.
- vii. Questioned if the Police supported the installation of CCTV in taxis.
- viii. Noted an example where a woman of muslim faith would not work with her husband when there was a requirement for inward facing CCTV cameras required as part of County Council transportation contract.
- ix. Asked the Committee to postpone implementation of CCTV for 2 years.

Councillor D.Baigent attended the meeting and made the following comments:

- i. Had met with 15 taxi drivers the day before and felt that taxi drivers did not understand what was happening.
- ii. Taxi drivers were an essential service in the city and were struggling following the covid pandemic.
- iii. Listed a number of issues raised by the drivers:
 - a. Concerns about security regarding products made in China.
 - b. Who would have access to the CCTV data?
 - c. The Tesla car would interfere with CCTV.
 - d. Nissan advised that if CCTV was installed in new vehicles this would invalidate the car's warranty.
 - e. The Police won't act on evidence provided by CCTV.
 - f. Cost of CCTV – some people in the taxi trade were of Muslim faith and understood that that their faith did not permit them to borrow money if interest was charged. This meant the full cost had to be provided upfront.
 - g. Asked for a delay to the implementation of CCTV in taxis for further discussions to take place with the taxi trade.

The Licensing & Enforcement Manager responded:

- i. CCTV data would only be accessed by a limited number of officers, and it would not be accessed by anyone else.
- ii. If the vehicle was being used for personal use, then the CCTV could be switched off.
- iii. Taxis were a form of public transport and other forms of public transport had CCTV for example trains, buses and the underground.

Under paragraph 4.2.1 of the Council Procedure Rules, the Chair used

their discretion to alter the order of the agenda items. However, for ease of the reader, these minutes will follow the order of the published agenda.

23/13/Lic Tinted windows in Licenced Vehicles

The Committee received a report from the Environmental Health Manager regarding changes to current window tint requirements in both hackney carriage vehicles and private hire vehicles.

In response to a Member's questions the Environmental Health Manager said the following:

- i. All hackney carriage and private hire vehicles would have to have CCTV from 1 September 2023. Where CCTV was installed in accordance with the Council's CCTV specification, that vehicle would be exempt from rear passenger window tint requirements.

The Committee:

Resolved (unanimously) that:

- i. Vehicles installed with CCTV (meeting/exceeding Cambridge City Council specification), are exempt from council rear passenger window tint requirements.
- ii. Vehicles with no CCTV installed within vehicle must have rear passenger windows which do not have more than the maximum tint of 70%, and must let through a minimum of 30% light.
- iii. Only vehicles with manufactured tinted windows, meeting above standard will be approved to be licensed (in absence of CCTV).
- iv. Film tinted windows will not be approved to be licensed.
- v. Front windscreen and Front passenger and driver windows to meet national legal requirement.

23/14/Lic CCTV financial options

The Committee received a report from the Environmental Health Manager updating Members on the work officers had undertaken to explore possibilities for financial support options to assist CCTV implementation.

In response to Members' questions the Environmental Health Manager said the following:

- i. Due to procurement rules the Council was not able to recommend companies who could install CCTV in taxis. The Council provided a

CCTV specification; it was a matter for taxi vehicle owners to ensure that any installation of CCTV was done in accordance with the specification.

The Committee:

Noted that officers had investigated possible financial options for installation of CCTV and unfortunately there was no financial support available from the agencies. However, companies did offer some financial options to support with the payment for CCTV implementation.

23/15/Lic CCTV in Hackney Carriage and Private Hire vehicles

The Committee received a report from the Environmental Health Manager regarding the postponement of the mandatory installation of CCTV within Hackney Carriage and Private Hire vehicles to 1 September 2023.

The Committee made the following comments:

- i. Noted the financial hardships experienced by taxi drivers.
- ii. CCTV would protect the safety of both drivers and passengers.
- iii. Noted that a taxi driver had emailed members of the Committee in advance of the meeting with their concerns which had been raised at the meeting by public speakers.
- iv. Felt CCTV footage would have assisted members at Licensing Sub Committee hearings.
- v. The cost of installing CCTV had been discussed at Taxi Forums and also noted that there was a cost to replace tinted windows in taxis if the window tint did not meet the Council's specification. Commented that it may cost less to install CCTV rather than replace tinted windows; and referred to recommendation 2.1.1 of the 'Tinted windows in Licensed Vehicles' report (minute ref: 23/13/Lic) which provided that 'Vehicles installed with CCTV (meeting / exceeding Cambridge City Council specification) were exempt from council rear passenger window tint requirements'.
- vi. Queried if taxi vehicle owners could achieve reduced costs for the installation of CCTV if they explored a 'group buy' option.
- vii. Noted that there were limited Sharia financial products for lower value loans, a number of taxi drivers had used Abbey Food Bank. Noted a number of taxi drivers had not been able to access covid grant / funding.
- viii. Asked the Committee to consider a longer deferral period for the installation of CCTV.

In response to Members' questions the Environmental Health Manager said the following:

- i. The CCTV recording would be held on a computer hard drive and would only be accessed if there was an incident which required the images to be viewed by a Licensing Officer. The CCTV would be managed in the same way that the Council managed CCTV for other services.
- ii. Reassured Members that the CCTV specification was compatible with EV vehicles and that they had checked that the installation of CCTV should not drain an EV's battery. Would follow up the specific issue which had been raised regarding Tesla model 3 vehicle.
- iii. Officers awaited the outcome of the consultation on the Government's Statutory Guidance on Taxis which was looking at reviewing whether CCTV should be a legal requirement.

The Committee:

Resolved (by 7 votes in favour to 2 against) that:

- i. The implementation of CCTV in licensed vehicles in a phased and manageable approach be postponed to the 1st September 2023.
- ii. Any grant of a new vehicle licence or renewal of an existing licensed vehicle from 1st September 2023, vehicle must be fitted with CCTV. This would see all licenced vehicles installed with CCTV by 31st August 2024.

The meeting ended at 12.14 pm

CHAIR