

LICENSING COMMITTEE24 October 2022
10.00 - 11.50 am

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

Officers

Environmental Health Manager: Yvonne O'Donnell

Legal Adviser: Paul Weller

Committee Manager: James Goddard

Producer: Chris Connor

Others Present from Cambridge City Licensed Taxis

Afzal Aslam (Member)

Eddie Holland (Member)

Ahmed Karaahmed (Chairman)

Kamil Winek (Member)

FOR THE INFORMATION OF THE COUNCIL**22/22/Lic Apologies**

Apologies were received from Councillor Robertson.

22/23/Lic Declarations of Interest

Name	Item	Interest
Councillor Bennett	22/26/Lic	Personal: Regular Panther Taxi user.

22/24/Lic Minutes

The minutes of the meeting held on 27 June 2022 were approved as a correct record and signed by the Chair.

22/25/Lic Public Questions

Members of the public asked a number of questions, as set out below.

1. Afzal Aslam raised the following points:
 - i. CCTV usage was intrusive and subject to the law.
 - ii. A key impact was its impact on privacy.
 - iii. The City Council needed to consider legislation when implementing CCTV.
 - a. The Information Commissioner had addressed this issue in a recent blog regarding continuous recording and it should be proportionate to the issues it sought to address.
 - b. The Information Commissioner had challenged some councils over their use of CCTV.
 - iv. The City Council needed a data controller to process driver and passenger data.
 - v. What was the crime rate in Cambridge (that CCTV sought to address)?
2. Eddie Holland raised the following points:
 - i. Expressed concern that the cost of installing CCTV was put on private individuals.
 - ii. The policy was being implemented when taxi drivers were under financial pressure.
 - iii. Drivers had to install CCTV but had no 'title' to it ie they could not own/access it. CCTV should be their property if they paid for it. Or the City Council could pay for CCTV and retain 'title' for it.
3. Ahmed Karaahmed raised the following points:
 - i. The taxi trade was recovering from the covid lockdown period when profits were low or nil.
 - ii. It was a difficult time to run a business due to the rising cost of living and (taxi) operating costs.
 - iii. Implementing CCTV was another expense.
 - iv. Queried if CCTV was needed as crime rates were low in Cambridge.
 - v. Re-iterated Eddie Holland's concern that taxi drivers had to install CCTV but had no 'title' to it.
4. Kamil Winek raised the following points:
 - i. CCTV was a good solution to improve safety.
 - ii. The Committee needed to be aware of the bigger picture from the Taxi Forum:
 - a. They were losing drivers at present - particularly drivers who serviced disabled clients. It was cheaper to become a private hire driver for the general public.
 - b. Imposing higher operating costs would exacerbate the situation.

- c. Higher implementation/operating costs meant the situation could not continue as it was.
- iii. Was aware the City Council had talked to other local authorities about CCTV implementation.

The Environmental Health Manager responded to all speakers:

- i. The City Council had contacted the Information Commissioner. Its CCTV Policy would not breach any of the Commissioner's policies.
 - ii. The City Council and the Police would be data controllers. CCTV would not be interfered with unless needed as evidence.
 - iii. Once a taxi became a licensed vehicle it could only ever be a licensed vehicle; legislation and policy would always remain.
 - iv. Regarding operating costs: Licensing Officers had to balance the needs of taxi drivers and the travelling public.
5. Afzal Aslam raised the following points:
- i. The City Council should help to fund CCTV implementation.
 - ii. Advised that if the City Council decided to implement its policy to install CCTV in taxis, the Taxi Trade would seek legal advice on how to challenge this.
 - iii. Drivers did not feel engaged in the CCTV implementation process or supported by the City Council on how to install CCTV.

6. Eddie Holland raised the following points:

- i. CCTV was a good idea.
- ii. Drivers were concerned about implementation costs and the lack of financial support from the City Council.

The Environmental Health Manager responded:

- i. Crime rates for Cambridge City were set out in Appendix A of the Officer's report.
- ii. CCTV was always an agenda item for the Taxi Forum and discussed at each meeting – so the trade was engaged.

22/26/Lic CCTV in Hackney Carriage and Private Hire Vehicles

The Committee received a report from the Environmental Health Manager.

Under the powers conferred to Cambridge City Council under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act

1976, (as amended), Cambridge City Council has responsibility for licensing Hackney Carriage, Private Hire and Dual Licence Drivers as well as vehicle proprietors and Private Hire Operators within the City.

The mandatory installation of CCTV within Hackney Carriage and Private Hire vehicles was agreed by members in October 2017.

Members of the Licensing Committee in September 2020 agreed an implementation date of 1 April 2022 whereby all taxi and private hire vehicles would have CCTV installed.

Due to delays in the identification of an approved supplier and the Covid 19 pandemic, the 1 April 2022 implementation date was not met.

The Committee made the following comments in response to the report:

- i. Queried if the Council could offer financial support to taxi drivers to install CCTV. Either through grant or loan schemes.
- ii. Mobility scooter users needed larger vehicles to transport them and their scooters.
- iii. Noted that bigger vehicles required more cameras so would have higher installation costs.
- iv. Councillor Scutt undertook to contact Central Government to see if there was a safety policy for taxi drivers and financial assistance available to install CCTV.
- v. There was a higher safety risk to customers if no taxis were available (driven out of market through high operating costs) compared to having no CCTV.

In response to Members' questions the Legal Advisor said the following:

- i. Protection of the public and taxi drivers was a council priority as a licensing authority.
- ii. The City Council would respond to any specific details if the public speakers did start legal action. It was impossible to speculate details before receipt of anything.

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

- i. Table 2a in the Officer's report listed incidents where "taxi driver" was stated as occupation. This was terminology from the Police (who supplied information) regardless of whether incidents occurred when taxi driving or not (ie driver off duty) and regardless of whether the 'taxi driver' was a victim or offender.

- ii. The City Council would normally be notified by the Police if a taxi driver committed an offence. Table 1 in the Officer's report listed incidents where people had reported complaints about taxi drivers.
- iii. CCTV installation costs listed in the Officer's report were accurate up to September 2022.
- iv. The Council would have to allocate funding out of the general budget if it wanted to offer financial support for taxi drivers to install CCTV. Budget allocation requests would have to go through the normal budget process.
- v. Would have to discuss the idea of the City Council operating a loan scheme with the Finance Team to see if it was viable if Councillors wanted to implement one.
- vi. The Licensing Committee agreed to install CCTV in taxis in principle in 2017. Discussion on 'how' to do so had been delayed since then. The decision had come back to committee in 2020 and 2022. CCTV installation costs had been discussed before but officers had not been asked to revise them. Nor to look at alternative sources for financial support for drivers before this meeting.
- vii. Officers could look at sources of financial assistance from Central Government, Police & Crime Commissioner etc, but thought it unlikely there would be any.
- viii. Councillors were invited to discuss CCTV policy at regular Taxi Trade Forums.
- ix. The City Council was trying to implement CCTV in line with South Cambridgeshire District Council. It was up to Councillors if they wished to implement the policy or not, possibly in a phased way, plus set the timeframe to do so.
- x. The City Council would set out specifications but taxi drivers could go to any provider for the kit, either as an individual or part of a group to get economies of scale.
- xi. Some CCTV installation companies offered zero percent finance options.
- xii. CCTV specifications and sourcing were reviewed by South Cambridgeshire District Council and City Council Legal and Procurement Teams.
- xiii. South Cambridgeshire District Council had not offered financial support to taxi drivers to install CCTV.
- xiv. Public Health money had been allocated in covid to install screens.
- xv. CCTV sound recording could be turned off by taxi drivers but footage was always recorded. It would only be looked at by a data controller if they needed to review the footage around a specific time/incident.
- xvi. CCTV footage was helpful evidence in licence revocations procedures.

Afzal Aslam was invited (on behalf of all public speakers) to address the Committee again by the Chair after hearing Members' discussion. He raised the following points:

- i. Agreed that CCTV was good for driver and passenger safety.
- ii. Taxi drivers paid a yearly licence fee.
- iii. Disagreed that drivers should pay to install CCTV in taxis. Queried if the City Council could do so by not charging other fees eg for taxi plates.
- iv. Disagreed with the need for continuous CCTV recording. Drivers should be able to access footage for information purposes so they could pass it onto insurance companies if required.

The Environmental Health Manager responded:

- i. The legislation required the licensing fee process to be not for profit, so it was run as a self-funding operation by the City Council.
- ii. Re-iterated that if the City Council wanted to offer any financial assistance it would have to be applied for and allocated out of the general budget.
- iii. Re-iterated Officers would only look at reported incident footage. Access would be restricted to data controllers.

Councillor Bennett added that under the General Data Protection Regulation people could request information about themselves from the data controller. Rights were set out in legislation. Drivers did not need access to CCTV, they could request incident footage from data controllers.

Councillor McPherson proposed an amendment to the Officer's recommendation to include a new recommendation 2.3:

Officers to look at possibilities for financial support options to assist CCTV implementation. Officers to advise progress by the next committee expected January 2023. Action to be completed within six months and reported to committee in March 2023.

This amendment was **carried unanimously**.

The Committee:

Resolved (by 8 votes to 0 with 1 abstention) to approve:

- i. The implementation of CCTV in licensed vehicles in a phased and manageable approach. Any grant of a new vehicle licence or renewal of an existing licensed vehicle from 1st April 2023, vehicle must be fitted

with CCTV. This would see all licenced vehicles installed with CCTV by 31st March 2024.

- ii. A review of CCTV in licenced vehicles every 5 years. Next review would be 2029, 5 years from date all licenced vehicles will have CCTV installed.
- iii. Officers to look at possibilities for financial support options to assist CCTV implementation. Officers to advise progress by the next committee expected January 2023. Action to be completed within six months and reported to committee in March 2023.

The meeting ended at 11.50 am

CHAIR