

To: General Purposes Licensing Committee

Date: 28 May 2012 **Item No:**

Report of: Head of Environmental Development

Title of Report: A Review Of The Audio And Visual Recording Scheme For Hackney Carriages And Private Hire Vehicles

Summary and Recommendations

Purpose of report: To review the audio and visual recording scheme for Hackney Carriages and Private Hire Vehicles following receipt of late views on the imminent introduction of the Scheme.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework: A vibrant and sustainable economy

Recommendation(s):

Committee is recommended to either:

(a) suspend the introduction of the requirements for audio and visual recording equipment to be installed in licensed Hackney Carriage and Private Hire Vehicles pending the results of further and more extensive consultation on the Scheme,

or,

(b) delete the existing requirement for audio and visual recording equipment to be installed in licensed Hackney Carriage and Private Hire Vehicles from April 2012.

Introduction

1. The Licensing Authority was asked by the licensed taxi trade to consider the compulsory introduction of 'CCTV' in all licensed vehicles as a measure to improve driver and passenger safety. In response, the Licensing Authority began open consultation with the City of Oxford Licensed Taxicab Association and the Oxford Private Hire Association on a range of possible schemes.

2. Following the consultation and the broad support expressed in favour of introducing audio & visual recording, the General Purposes Licensing Committee considered reports and agreed to approve the implementation of 'CCTV' as a mandatory requirement on a phased approach so that all licensed vehicles would be covered by March 2015.
3. Further reports were submitted to the Committee in June 2011, October 2011 and February 2012 in order to finalise the detailed requirements of the proposed scheme. All of the recommendations within the reports were approved by the Committee. Details of the scheme including the Minimum Standard Specification and the timeframe for implementation were set out in the Hackney Carriage and Private Hire Vehicle Application Pack.
4. Simultaneously, contact with the Information Commissioner's Office (ICO) in the period November 2011 to April 2012, helped establish the views of the ICO on the proposals. The ICO has expressed concerns over audio recording and its effect on the principles of data protection and privacy. The Licensing Authority has responded to these concerns and pointed out the safeguards within the Scheme. Nevertheless the ICO has issued a Preliminary Enforcement Notice. It was agreed by the Chair and Vice Chair that implementation of the Scheme would be suspended pending consideration at this Committee.
5. In late March 2012, despite the earlier broad support from the licensed trade, a number of self-employed drivers submitted a petition to the Licensing Authority opposed to the introduction of audio & visual recording. It was clear at this point that the consensus evident earlier was no longer in place.

Considerations & Options

6. Whilst the Scheme originally proposed by the Committee is not actually a CCTV scheme in that recordings are not continuously monitored, the audio and visual elements do provide safeguards for the travelling public and drivers.
7. There are clearly concerns (expressed late in the day) from certain drivers that audio and visual recording could be misused (though the Licensing Authority would dispute this assertion). There is a range of ways in which audio & visual recording can be designed to work in practice and a range of safeguards that can be utilised.
8. Recent representations have shown that there are still misconceptions abroad and there may be advantages to all parties in extending exploration, discussion and consultation. Further discussion and consultation may also allow options to be identified which address the concerns of the ICO.
9. Notwithstanding additional consultation, another option for the Committee is to simply delete the existing requirements for audio and

visual recording equipment given that there is not as widespread support for its introduction as was indicated by the earlier consultation feedback. At a later date to be determined, the Committee could return to the subject,

Consultation

10. Although the trade associations requested the audio and visual recording, and were fully consulted prior to the Committee agreeing the detailed scheme, late objections have been made by a section of self employed licensed drivers. They argue that their views were not represented by the trade associations in the earlier consultation.
11. Officers believe that a more extensive consultation that reaches all stakeholders (so that the process can be entirely inclusive) will be beneficial. This could include the question as to whether either or both types of recording should be introduced. This would then inform the Committee as to whether the existing proposals are the optimum or whether changes are needed. Such further consultation would be carried out by the Head of Environmental Development in conjunction with Policy, Culture and Communications.

Financial Considerations

12. There are no material financial considerations contained within the content of this report that apply to the Authority. The cost of any additional consultation can be met from existing budgets.

Legal Considerations

13. The Local Government (Miscellaneous Provisions) Act 1976 Sections 47 and 48 allows the licensing authority to attach to vehicle licences such conditions as it considers reasonably necessary. Committee must decide whether it considers that compulsory conditions regulating the installation, operation and maintenance of any audio and visual system are reasonably necessary. Any licence holder aggrieved by any condition attached to their licence may appeal to the Magistrates' Court

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