

COMMISSIONER NEY'S VIRTUAL MEETING

Venue: Town Hall, The Crofts,
Moorgate Street,
Rotherham. S60 2TH

Date: Friday, 26th February, 2016

Time: 3.00 p.m.

A G E N D A

1. Whilst the requirements of the Local Government Act 1972 do not apply to this meeting it is still proposed to determine if the following matters are to be considered under the categories suggested in accordance with that Act.
2. Variation to the requirements regarding the provision and use of taxi cameras in licensed vehicles - February 2016 (report herewith) (Pages 1 - 8)

Summary Sheet

Commissioner Report

Report to Commissioner Ney 26th February 2016

Title

Variation to the requirements regarding the provision and use of taxi cameras in licensed vehicles – February 2016.

Is this a Key Decision and has it been included on the Forward Plan?

This is not a key decision.

Director Approving Submission of the Report

Caroline Bruce – Interim Strategic Director of Environment and Development Services

Report author(s):

Alan Pogorzelec – Business Regulation Manager
Environment and Development Services
01709 254955, alan.pogorzelec@rotherham.gov.uk

Ward(s) Affected

All wards

Executive Summary

The requirement for the installation of taxi cameras in licensed vehicles was agreed on 6th July 2015. The requirement became effective on 6th January 2016, with licence holders being required to install a suitable camera in their vehicle by 1st March 2016.

Following further consideration of the requirements regarding taxi cameras, the council is proposing to amend the policy in relation to the use of audio recording in licensed vehicles. The amendments relate to audio recording only, all other aspects of the policy on the installation of taxi cameras remain unchanged. The proposed amendment is detailed in Appendix 1.

Recommendations

- That Commissioner Ney agrees to the proposed amendment detailed in Appendix 1 of this report.
- That a 'minded to' is published in relation to this decision.
- That appropriate amendments are made to the council's conditions that are attached to Private Hire Vehicle licences, Hackney Carriage licences, Private Hire / Hackney Carriage Driver licences.
- That appropriate amendments are made to the council's technical specification and system requirements relating to taxi cameras.

List of Appendices Included

Appendix 1 – proposed amendment to the Rotherham MBC Hackney Carriage and Private Hire Licensing Policy

Background Papers

Rotherham MBC Hackney Carriage and Private Hire Licensing Policy



Rotherham MBC Taxi
and HC Policy 06071!

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Not applicable.

Council Approval Required

No.

Exempt from the Press and Public

Not exempt.

Title (main report)

Variation to the requirements regarding the provision and use of taxi cameras in licensed vehicles – February 2016.

1. Recommendations

- 1.1 That Commissioner Ney agrees to the proposed amendment detailed in Appendix 1 of this report.
- 1.2 That a 'minded to' is published in relation to this decision.

2. Background

- 2.1 In July 2015, the council introduced a revised policy in relation to the Private Hire and Hackney Carriage licensing. This policy represents a significant change to the way that licences are determined and administered in Rotherham, and addresses many of the concerns and issues identified within Professor Alexis Jay's and Louise Casey's reports of 2014/15.
- 2.2 The policy introduced a requirement for taxi cameras to be installed in licensed vehicles – the effective date of this requirement was 6th January 2016 (with vehicles being required to have cameras installed by 1st March 2016).
- 2.3 Following further consideration of the taxi camera requirements, the council considers it to be appropriate to amend the requirements slightly. These amendments relate to the use of audio only, all other aspects regarding taxi cameras remain unchanged.

3. Key Issues

- 3.1 The proposed amendment to the requirements relating to the use of audio recording in vehicles will require a minor change to elements of the wording of Section 6.13 of the Rotherham MBC Hackney Carriage and Private Hire Licensing Policy.
- 3.2 The changes will have the following effect:
 - (a) To remove the requirement for continuous audio recording between 10pm and 6am. The option for either the driver or the passenger to activate audio (and deactivate it once they have activated it) will continue to be available during that period. The activation / deactivation of audio recording will be achieved by the pressing of a switch (i.e. press once to activate, press again to deactivate). There will be a switch for the driver and a separate switch for the passenger – these switches will operate independently of each other (meaning that the driver cannot deactivate audio if the passenger has activated it, and vice versa).

- (b) The requirement for the audio function to operate whenever an unaccompanied child or vulnerable person is in the vehicle at any time.
- (c) An indicator will be displayed in the vehicle when the audio is active.
- (d) There will be the ability to reset the audio feature (rather than it running for 15 minutes) when the passenger leaves the vehicle and before the next passenger enters – in practice this will be done by pressing again whichever switch it was that initially activated the audio recording.

3.3 The text of Section 6.13 of the policy is as shown below:

6.13 Taxi Cameras

Suitable equipment, capable of recording both audio and video, must be installed in all licensed vehicles. The system must meet or exceed the council's specification for taxi camera systems and must be operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).

Video recording must be active at all times. Audio recording must be active in any of the following circumstances:

- *An unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle, or*
- *Between the hours of 2200hrs and 0600hrs,*

In addition, audio recording must be activated by the driver at any time where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger.

There must also be the facility for the passenger to activate audio recording (independent of the driver) should the passenger wish to do so.

Once activated, the audio recording must continue for an uninterrupted period as detailed in the council specification for taxi cameras.

The requirement for all vehicles to have a taxi camera fitted will apply in relation to all licences that are issued from the date on which this policy becomes effective. However in the case of vehicles that are already licensed on the date on which this policy becomes effective, the requirement will take effect as determined by the Council's implementation scheme.

3.4 It is proposed to amend the **highlighted** section of the above text so that section 6.13 reads as shown in Appendix 1. This amendment relates only to the use of audio recording in licensed vehicles.

4. Options considered and recommended proposal

4.1 The proposal is detailed in Appendix 1 to this report.

5. Consultation

5.1 Extensive consultation took place in relation to the development of the policy requirements, including with representatives of the licensed trade. To date, no formal legal challenge has been made to any of the proposals contained within the policy.

5.2 Representatives of the licensed trade have been made aware of the proposed revised requirements. The representatives were made aware on Monday 22nd February and asked to provide comments by Friday 26th February.

5.3 Rotherham Private Hire Drivers Association has requested an additional 21 days to discuss the proposal with their members, however they have not raised any concerns in relation to the proposed amendments (although they have raised two technical issues that are not relevant to the amendment of the policy).

6. Timetable and Accountability for Implementing this Decision

6.1 The decision is to be made on Friday 26th February 2016.

7. Financial and Procurement Implications

7.1 There are no additional financial implications for the council as a result of this decision.

8. Legal Implications

8.1 No legal challenges have been made in relation to the policy generally, and it is expected that the likelihood of any legal challenge relating to this amendment is low (particularly as the amendments are not to the detriment of the licensed trade).

8.2 However, a successful legal challenge will have a financial and reputational impact on the council – it is therefore essential that the policy is amended following an appropriate process.

8.3 RMBC Legal Services have been consulted, and the correct legal process followed as a result.

9. Human Resources Implications

9.1 There are no additional human resource implications for the council as a result of this decision.

10. Implications for Children and Young People and Vulnerable Adults

10.1 Both the Jay report into Child Sexual Exploitation (CSE) in Rotherham and the subsequent Corporate Governance Inspection led by Louise Casey CB identified issues, amongst which was the importance of having an effective taxi licensing service.

10.2 At the heart of the new policy lies a commitment to the protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder. And the effective implementation of the licensing policy and the standards that it contains plays an important part in the protection of children and vulnerable people in Rotherham.

11. Equalities and Human Rights Implications

11.1 In undertaking its licensing function, the Council comply with relevant legislative requirements including the Human Rights Act 1998.

11.2 The policy (along with the council's General Enforcement Policy) will ensure the consistent and fair determination of licences – recognising that every individual is entitled to dignity and respect.

11.3 When making licensing decisions the Council and its officers aim to ensure there is no discrimination on the grounds of culture, ethnic or national origins, gender, disability, age, sexual orientation, political or religious beliefs, socio-economic status, or previous criminal conviction or caution which is not relevant to the current issue.

11.4 Adherence to these requirements are assured by means of officer awareness, observation, case reviews and both customer satisfaction and complaints received into the service. In addition, those affected by licensing decisions have the legal right to challenge that decision in the Magistrates Court.

12. Implications for Partners and Other Directorates

12.1 None.

13. Risks and Mitigation

13.1 Failure of the Council to effectively discharge its licensing function may compromise public safety.

13.2 The Hackney Carriage and Private Hire Licensing Policy gives confidence to licence holders and individuals of the transparency and fairness of the Council's approach to enforcement, without which the Council's reputation might be at risk.

13.3 Responsibility for ensuring compliance with the policy rests with team and service management, with appropriate overview and scrutiny by Commissioner Ney and members of the Advisory Licensing Board.

14. Accountable Officer(s)

14.1 Alan Pogorzelec – Business Regulation Manager
Environment and Development Services
01709 254955, alan.pogorzelec@rotherham.gov.uk

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

Appendix 1

Proposed amendment to the RMBC Hackney Carriage and Private Hire Licensing Policy.

6.13 Taxi Cameras

Suitable equipment, capable of recording both audio and video, must be installed in all licensed vehicles. The system must meet or exceed the council's specification for taxi camera systems and must be operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).

Video recording must be active at all times. Audio recording must be active in any of the following circumstances:

- An unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle, or
- Where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger. Activation of audio recording must be triggered by the driver pressing a switch / button. Audio recording will continue until such time as the button / switch is pressed again. This switch will activate / deactivate audio recording independent of the passenger's audio activation button / switch.

There must also be the facility for the passenger to activate audio recording (independent of the driver) should the passenger wish to do so. Activation of audio recording must be triggered by the passenger pressing a switch / button. Audio recording will continue until such time as the button / switch is pressed again. This switch will activate / deactivate audio recording independent of the driver's audio activation button / switch.

Once activated (by either passenger or driver), the audio recording must continue for an uninterrupted period until it is deactivated.

There must be an indicator located within the vehicle that is clearly visible to the passenger and clearly shows that audio recording is taking place.

At the end of journey when the passenger leaves the vehicle, audio must be deactivated before another passenger enters the vehicle. If appropriate it must be reactivated should any of the situations above arise in relation to this new journey.

The requirement for all vehicles to have a taxi camera fitted will apply in relation to all licences that are issued from the date on which this policy becomes effective. However in the case of vehicles that are already licensed on the date on which this policy becomes effective, the requirement will take effect as determined by the Council's implementation scheme.