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Co-operative Council

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Borough of Telford and Wrekin

Licensing Committee

Tuesday 21 November 2023

6.00 pm

Walker Room, Meeting Point House,
Southwater Square, Telford, TF3 4HS

Democratic Services: Jayne Clarke 01952 383205

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Committee Members: Councillors L Parker (Vice-Chair), E Aston, A J Burford,
P Davis, B J Thompson, K T Tomlinson and R Tyrrell

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	To receive a report to review the current Taxi CCTV policy.	

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Borough of Telford and Wrekin

Licensing Committee

Tuesday 21 November 2023

Review of Taxi CCTV policy

Cabinet Member:	Cllr Richard Overton - Deputy Leader and Cabinet Member: Homes & Enforcement
Lead Director:	Dean Sargeant - Director: Neighbourhood & Enforcement Services
Service Area:	Neighbourhood & Enforcement Services
Report Author:	Anita Hunt - Public Protection Group Manager
Officer Contact Details:	Tel: 01952 381818 Email: anita.hunt@telford.gov.uk
Wards Affected:	All Wards
Key Decision:	Not Key Decision
Forward Plan:	Not Applicable
Report considered by:	Licensing Committee - 21 November 2023

1.0 Recommendations for decision:

It is recommended that Licensing Committee:

- 1.1 Note progress to date regarding installation of CCTV in Telford and Wrekin licensed vehicles on a voluntary basis;
- 1.2 Note the feedback received from the CCTV consultation undertaken in June 2023; and
- 1.3 In noting the content of this report, maintain the current voluntary policy (Appendix A) relating to the installation of CCTV in Telford and Wrekin licensed vehicles and continue to explore external funding opportunities to progress the installation of CCTV in taxis on a voluntary basis.

2.0 Purpose of Report

- 2.1 To provide Licensing Committee with an overview of the recent consultation on whether to make CCTV in Telford and Wrekin licensed vehicles mandatory and provide a summary of the feedback received. In doing so, this report recommends that CCTV in Telford and Wrekin licensed vehicles remains voluntary.

3.0 Background

- 3.1 There are an estimated 2 million taxi journeys taken every year within Telford and Wrekin and currently there are over 370 drivers and 270 vehicles licensed by the council, as well as 28 operators.
- 3.2 The Council's Hackney Carriage and Private Hire Licensing Policy was reviewed and approved by Committee at their meeting on 16 March 2021. This review followed the introduction of the Department for Transport (DfT) Statutory Taxi and Private Hire Vehicle Standards (Statutory Standards). Part 6 of the council's policy (Appendix A) details the voluntary installation of CCTV in licensed vehicles.
- 3.3 The DfT Statutory Taxi and Private Hire Vehicle Standards require all licensing authorities to consult on making CCTV in licensed vehicles mandatory and to identify if there are circumstances which indicate that the installation of CCTV in vehicles would have either a positive or negative effect on taxi safety.
- 3.4 Across the country, 17 (out of 266) licensing authorities have made it a condition of licence for all taxi and private hire vehicles to be fitted with CCTV systems.
- 3.5 To inform the decision on whether to mandate CCTV in licensed vehicles, the council launched a public consultation on 30 June for 8 weeks. The consultation received 185 responses with 160 being users of a taxi or private hire vehicle and 25 a driver, vehicle proprietor or operator.
- 3.6 The main themes emerging from respondents demonstrated that CCTV would improve the safety of passengers and drivers, promote better driver and passenger(s) behaviour, help resolve disputes (through having evidence) and improve driving standards.
- 3.7 75% of those who use taxis felt that CCTV would have made their experience of taxis or private hire vehicles better. 15% of taxi users felt that CCTV would have had no impact on their experience and 1% of respondents felt that CCTV would have made their experience worse.
- 3.8 Out of the 25 respondent drivers, vehicle proprietors and operators, 24 were licensed by Telford & Wrekin Council and 1 by Shropshire Council. 76% did not currently have a CCTV unit installed. This group of respondents raised the greatest concern around passenger behaviour and driver safety.
- 3.9 Drivers, vehicle proprietors and operators were asked what could prevent them from using CCTV in their vehicle(s) with the main responses including cost, privacy and choice.

- 3.10 To inform the approach to CCTV in licensed vehicles and consultation undertaken in June, the council has undertaken a two year trial and captured feedback from both driver and passengers where CCTV has been installed.
- 3.11 Funded by the Community Safety Partnership, 25 CCTV units have been installed in Telford and Wrekin licensed vehicles on a voluntary basis. A further 18 units have been ordered and these will be fitted over the coming months. Overall, drivers have welcomed this trial and the funding to install CCTV units in their vehicles. 69 passengers provided feedback on the trial which very much mirrors that captured from the consultation and summarised above. The council will continue to explore opportunity for additional funding and purchase more CCTV units for installation on a voluntary basis.
- 3.12 In parallel to feedback received from the consultation, the council has considered DfT guidance on making CCTV mandatory and the net adverse effects of this being a condition of licence.

4.0 Summary of main proposals

- 4.1 That Committee maintain the current voluntary policy relating to the installation of CCTV in Telford and Wrekin licensed vehicles.
- 4.2 That Committee approve the council's approach to encourage drivers, vehicle proprietors and operators to take part in the voluntary scheme to install CCTV in their vehicles.
- 4.3 Committee approve that the council should continue to explore opportunities for further funding to continue to install CCTV in taxis.

5.0 Alternative Options

- 5.1 In noting the risks outlined below, the alternative option is to introduce a mandatory scheme requiring CCTV in Telford and Wrekin licensed vehicles.

6.0 Key Risks

- 6.1 Licensing Committee will be familiar with the challenges of cross-border hire and the continued lobbying by Telford & Wrekin Council to government on ensuring consistency of licensing standards across licensing authorities.
- 6.2 Current legislation allows drivers to lawfully operate anywhere in the country, regardless of where they are licensed, so long as their vehicle and operator licences are licensed in the same area. To this end, vehicles and drivers licensed with neighbouring authorities operate in the Borough of Telford and Wrekin. Therefore, if CCTV was made a mandatory it is anticipated that taxis and drivers would choose to be licensed by neighbouring authorities, who currently have a voluntary CCTV policy in place, but continue to operate in the borough.

Review of Taxi CCTV policy

6.3 Should this happen, the council would lose associated licensing powers as this would be under the control of the relevant neighbouring council.

7.0 Council Priorities

7.1 This report supports the following council priorities:

- Every child, young person and adult lives well in their community
- All neighbourhoods are a great place to live
- Everyone benefits from a thriving economy
- A community-focussed innovative council providing efficient, effective and quality services

8.0 Financial Implications

8.1 Under a mandatory scheme, the responsibility for the installation of CCTV in taxi's and private hire vehicles would fall to the vehicle owners who pay directly for all costs incurred. Under the voluntary scheme, the council would continue to explore external funding opportunities to grow the current CCTV offer.

8.2 The cost to the council in respect of equipment required to view the CCTV images (if required) is met from existing budgets.

9.0 Legal and HR Implications

9.1 Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA) provides that:

(1) A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary.

9.2 Section 48 of the LGMPA 1976 provides that in respect of private hire vehicles:

(2) A district council may attach to the grant of a licence such conditions as they may consider reasonably necessary.

9.3 Due regard should be paid to guidance on the installation and use of CCTV contained in the Statutory Taxi and Private Hire Vehicle Standards and the Home Office Code of Practice. Guidance produced by the Surveillance Camera Commissioner (SCC) and the Information Commissioner's Office (ICO) should also be considered and followed. The installation of CCTV in a licensed vehicle will comply with the Council's Hackney Carriage and Private Hire Licensing Policy.

9.4 The proposals contained in this report can be delivered using existing resources.

10.0 Ward Implications

10.1 This report has implications for all wards in the Borough.

11.0 Health, Social and Economic Implications

- 11.1 In mandating CCTV in taxis, the cost of purchasing and installing is an additional cost that may have an overall impact on driver/ vehicle proprietor viability. Through the use of external funding, the council is able to support the roll out of CCTV on a voluntary basis while promoting this as part ongoing promotion on taxi safety.
- 11.2 The recommendations contained within this report are not considered to have a direct impact on the Armed Forces Duty, specific socio-economic groups or town and parish councils.

12.0 Equality and Diversity Implications

- 12.1 Having had regard to the council's obligations it is considered that there are no human rights or equalities implications associated with this report, as they will apply equally to everyone regardless of any protected characteristic.

13.0 Climate Change and Environmental Implications

- 13.1 There are no climate or environmental implications arising from this report.

14.0 Background Papers

None

15.0 Appendices

- A Extract of Hackney Carriage and Private Hire Vehicle Licensing Policy:
Part 6 - The Installation of CCTV in Licensed Vehicles

16.0 Report Sign Off

Signed off by	Date sent	Date signed off	Initials
Legal	13/11/2023	14/11/2023	SH
Finance	13/11/2023	14/11/2023	PT
Director	13/11/2023	15/11/2023	DRS

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Appendix A

Part 6 – The Installation of CCTV in Licensed Vehicles

1. Introduction

This Policy complies with:

- [Information Commissioner Office - A data protection code of practice for surveillance cameras and personal information](#)
- [Home Office - Surveillance Camera Code of Practice](#)
- [Surveillance Camera Commissioner Code of Practice – A guide to the 12 principles](#)

And has regard to:

- [Local Government Association – Developing an approach to mandatory CCTV in taxis and PHVs](#)

It shall apply to the voluntary (i.e. not compulsory) closed circuit television surveillance scheme installed in vehicles licensed by Telford & Wrekin Council.

2. Purpose and objectives of the scheme

The objectives of a voluntary CCTV scheme in Telford & Wrekin Council licenced Vehicles is the following:

- To seek to safeguard vulnerable passengers
- To provide assurance to drivers to protect them from unjustified allegations
- To try to prevent and detect crime, disorder and anti-social behaviour
- To reduce both the real and perceived level of crime, disorder and anti-social behaviour
- To provide reassurance to law abiding citizens by the legal and effective use of CCTV.
- To assist in the apprehension and prosecution of offenders
- To support the detection of offences and to provide evidential material for court proceedings
- To gather evidence by a fair and accountable method.

3. System Ownership

Private Hire and Hackney carriage vehicle owners will purchase the CCTV systems. Telford & Wrekin Council will be the data controller.

4. Permitted Systems

Only CCTV systems approved by Telford & Wrekin Council and which comply with this Policy and with the ICOs blog "ICO on CCTV in taxis 10th September 2018" will be permitted to be installed in licensed vehicles. Connected (data can be downloaded via the data processor who can access the box remotely and send the encrypted data to the data controller) and unconnected systems (where the box has to be removed from the vehicle in order to download data) will be permitted.

All systems must comply with the following requirements:

- The installation of CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, card payment device or radio system in the vehicle.
- CCTV equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers.
- Viewing screens within the vehicle for the purpose of viewing captured images are not permitted.
- All CCTV equipment must be checked regularly and maintained to operational standards, including any repairs after damage. All system components requiring calibration in situ should be easily accessible.
- All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle.
- System cameras must be activated when the vehicle ignition is switched on and the cameras must record at all times when the vehicle is used for hire and reward.
- Unconnected and Connected systems must permit footage to be retained for a minimum of 28 days. Loop recordings must not be permitted to be overwritten for 28 days (if the vehicle is being used for hire and reward on double shifts, a second hard drive must be installed in the boot of the vehicle).
- The Supplier of Connected systems must have security accreditation and their server must be located in a country where there is access from the UK.
- Continuous recording of images only
- An emergency audio button can be pressed by the driver where the driver and passenger are involved in a dispute or the driver feels threatened by the behaviour of a passenger. A further emergency audio button located in the rear of the vehicle can be pressed by a passenger who feels threatened by the behaviour of the driver. Both buttons, to activate 3 minutes of audio recording
- Camera(s) will have a fixed lens. Only one camera will be allowed in private hire vehicles and up to two cameras for purpose built hackney carriages.
- A Privacy Box situated in the boot of the vehicle which can be activated when the vehicle is being used for social and domestic use. The privacy button will allow the temporary deactivation of the camera(s). Once the ignition is switched off, the privacy box ceases to operate and the next time the ignition is switched on, the camera(s) will activate as normal.
- Have a minimum of a 15 minute power delay when the ignition is turned off so that the camera continues to record for a minimum of 15 minutes afterwards.

- Have a LED panel above the rear view mirror or on the dash so that the driver and passenger can see if the camera is working.
- If the system is Unconnected, the hard drive must be stored in the boot of the vehicle. It must not be able to be removed out of its box whilst locked and only the data controller will be able to unlock the box.

5. Signage

Visible signage which shows that there is CCTV inside the vehicle must be displayed on the outside of the vehicle so that the public are aware that they are entering an area which is covered by a camera. Further signage which complies with the Information Commissioner's document "A data protection code of practice for surveillance cameras and personal information" must be fixed to the inside of the vehicle. The signs will state the following information:

- The purposes of the scheme
- The name of the Data Controller
- The Data Controller's contact telephone number
- That it includes audio by the activation of an emergency audio button
- Direction to the Council's privacy notice

6. Data Protection

There will be a formal written contract between the data controller and the data processor (service provider).

Telford & Wrekin Council will ensure the protection of individuals and the public by complying with the Information Commissioner's document "A data protection code of practice for surveillance cameras and personal information".

Only the Data Controller (Telford & Wrekin Council) will have access to images and audio recordings. Images and audio recordings will be processed for authorised purposes only. Such data will be processed and downloaded only in accordance with section 7 below. The data will be stored securely in accordance with the Data Protection Act 2018 and in accordance with the Council's Data Protection Impact Assessment which can be viewed on Telford & Wrekin Council's website.

Statutory bodies such as the Police may have access to information permitted for disclosure on application to Telford & Wrekin Council.

7. Authorised Purposes for the Use of Recorded Images

Data will only be downloaded in exceptional circumstances, where a legal base exists under the data protection legislation, for, example:

- Where a crime has been reported which involves the specific vehicle and the police have formally requested the data

- When a substantive complaint has been made to the Licensing Authority regarding a specific vehicle/driver and that complaint is evidenced in writing (and cannot be resolved in any other way)
- Where a Data request is received from an applicant e.g. police or other Statutory Body that has a legal basis to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver
- Where a Subject Access Request compliant with GDPR is made to the Licensing Authority.

8. Release of Information to the Public

Individuals may request to view information concerning themselves held on record in accordance with the Data Protection Act 2018 by visiting Telford & Wrekin Council's website and making a request to access personal data.

9. Audit and Policy Review

Regular audits carried out by the Public Protection Manager will check the operation of both the procedural requirements of the scheme and the installed hardware systems for compliance with the Policy. It will consider the following:

- The level of attainment of the scheme's objectives and procedures
- Audits of the data log and release of information.

10. Complaints

A member of the public wishing to make a complaint about the system may do so through Telford & Wrekin Council's complaint procedure by visiting Telford & Wrekin Council's website.