

# CARLISLE CITY COUNCIL

**Report to:-**                **The Chairman and Members of the Regulatory Panel**

**Date of Meeting:-**    19<sup>th</sup> October 2011

**Agenda Item No:-**

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Public	Operational	Delegated: Yes
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Accompanying Comments and Statements	Required	Included
Cumbria Fire Service	No	No
Cumbria Constabulary	No	No
Environmental Services	No	No

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**Title:-**                                **HACKNEY CARRIAGE AND PRIVATE HIRE CCTV REQUIREMENTS**

**Report of:-**                        **ASSISTANT DIRECTOR (GOVERNANCE)**

**Report reference:-**                **GD59/11**

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## Summary:

On 2 July 2003 the Licensing & Regulatory Panel approved guidelines for the installation of CCTV in taxis and private hire vehicles.

In 2010 due to advances in technology and in association with Carlisle Taxi Association, it was decided to carry out a trial of suitable cameras.

The licensing office co-ordinated a 6 month trial of state of the art CCTV systems in Hackney Carriages. As a result of the trial and following feedback from the users, it is recommended that the Council's guidelines on the installation of this type of equipment be amended.

## Recommendation:

It is recommended that the draft 'Hackney Carriage and Private Hire CCTV Requirements' be adopted by the Regulatory Panel

J A Messenger  
Licensing Manager

**Note: In compliance with section 100d of the local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:**

## CITY OF CARLISLE

To: The Chairman and Members of the Regulatory Panel 19<sup>th</sup> October 2011

### CCTV IN HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

#### 1. HISTORY

- 1.1 On the 2<sup>nd</sup> of July 2003 the Licensing and Regulatory Panel approved new guidelines for CCTV installations in taxis and private hire vehicles. At that time only London regulated this type of equipment and much of the content of our guidance document was adopted from the London model.
- 1.2 London's conditions were however very restrictive and were mainly drawn up in relation to the traditional "black cab". Very few systems could actually meet their requirements and those that did cost in excess of £500 with a further £100 installation costs every time they changed vehicle. This has resulted in less than 10 taxis taking up this option since the inception of the scheme.
- 1.3 Technology has moved forward at a rapid pace since 2003 and CCTV systems designed for saloon taxis as well as black cabs are now available for £200. These are commonly known as "plug in and play" systems. In their basic form they simply plug into the cigarette lighter socket and record onto a SD card, similar to a normal digital camera. They are also simple to remove from the taxi at the end of the shift.

#### 2. 6 MONTH TRIAL

- 2.1 In 2010 Carlisle Taxi Association (CTA) was granted £1000 from Carlisle and Eden Crime and Disorder Reduction Partnership (CDRP) towards the cost of trialling various CCTV systems in Carlisle's taxis. Six systems were purchased and installed into CTA members vehicles at the beginning of 2011.
- 2.2 As there are many different makes and models of taxi, a range of vehicle types were chosen for the trial. These included saloons, black cabs and people carriers. Different combinations of equipment were also trialled, from a simple "plug in and play" single camera system to an installation incorporating 2 cameras, a viewing screen and a permanently wired harddrive.

- 2.3 At the end of the trial all of the participating drivers were interviewed for their evaluation of the systems. Feedback from the drivers at the end of the trial was very positive. All of them reported feeling more at ease with passengers with the systems installed. This was especially so during the night shift and also for the female driver who took part in the trial. The drivers reported a definite improvement in some passenger's behaviour once they were aware of the CCTV.
- 2.4 Preconceived concerns about some of the aspects of the systems were generally dispelled.
- 2.4.1 The recording of audio as well as video was considered intrusive in London, but the drivers were all in favour of it being included in our scheme. Images alone do not tell the whole picture in the build up to an incident. The use of foul, racist and sexual language against the driver can lead to confrontation and assaults. The audio recording can also be used as evidence in arguments between passengers, especially domestic related incidents. The female driver reported that on more than one occasion she had to remind a male passenger that his comments were being recorded because of the sexual connotation of his remarks to her. Signage, both inside and outside the vehicle, advises passengers that audio, as well as images, are recorded in that vehicle.
- 2.4.2 The security of the data recorded onto the SD card has also been called into question as it could to be viewed on a home computer. Security seals can be fitted to the SD slot by licensing staff which disintegrate if the card is removed. These seals can be inspected during the taxi's routine checks to ensure that the system is not compromised. Should the police or any other authorised agency wish to view the data a signed declaration could be obtained which would be produced when the camera is re-sealed.
- 2.4.3 Any viewing screen installed would be fitted behind the driver and could only be seen by the passenger. Experience from the driver who had a screen installed, and also from other Council's who have approved similar systems, is that far from playing up to the cameras, passengers generally calmed themselves down after seeing

themselves acting stupidly, especially when alcohol has played it's part.

- 2.4.4 Our current guidelines stipulate that only one camera can be installed in a vehicle. This is now felt to be impractical and a maximum of 2 interior cameras should be allowed. This proved necessary in both the black cab and the people carrier because of the layout of the seats, especially the rear facing "pop up" seats. It is also recommended that one forward facing exterior view camera be allowed. Many attacks on taxi drivers take place outside of the vehicle and CCTV evidence from the taxi has been used in subsequent prosecutions. Evidence from a forward facing camera is also useful in accident claims and some insurance companies give discounts on their premiums where CCTV is installed.

### 3 LEGISLATION

3.1 The local authority has a general power to prohibit or control the use of CCTV in Hackney Carriage or Private Hire vehicles under the Local Government (Miscellaneous Provisions) Act 1976 which enables the Council to attach to the grant of a Hackney Carriage or Private Hire Vehicle Licence such conditions as it considers "reasonably necessary". An example is the prohibition of the use of scanners and CB radios.

3.2 In accordance with the Council's Scheme of Delegation, section 2B, paragraph 3.1.1, the power to grant (but not refuse) a permission such as the installation of CCTV, is delegated to the Assistant Director (Governance) and the Licensing Manager.

### 4 RECOMMENDATIONS

- 4.1 It is recommended that the draft 'Hackney Carriage and Private Hire CCTV Requirements' be adopted by the Regulatory Panel

Prepared by B J Sharrock  
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## Hackney Carriage and Private Hire CCTV Requirements

1. Any Hackney Carriage or Private Hire vehicle proprietor, who wishes to install Closed Circuit Television (CCTV) in his licensed vehicle, must first make application in writing to the Council giving details of the proposed system.
2. Where consent has been granted ~~and the~~ for a CCTV security system ~~to be fitted~~ installed, the proprietor shall ~~produce the vehicle and system for examination the Council prior to it being used for hire or reward. The Council Officer will attach a tamper proof seal to any removable recording device (e.g. SD card).~~ undertake an initial check to ensure that the equipment performs correctly. ~~The Head of Legal and Democratic Services shall be notified in writing (and provided with a copy of any installation certificate) prior to use and within seven days of installation.~~
3. The proprietor shall ensure that the system is fully maintained and serviced to ensure that it provides images of evidential quality, and shall keep records of all maintenance and servicing.
4. ~~The tamper proof seal may only be removed by a Licensing or Police Officer. In the event of the seal being damaged or removed, the vehicle and CCTV system must be inspected by the Council and the seal replaced before it is used for hire or reward.~~
5. A minimum of two warning signs shall be displayed inside the vehicle in prominent positions so as to be easily seen both internally and externally by passengers, and must not be covered or defaced. The said warning signs shall alert passengers as to the presence of CCTV, for example:

“Images and audio are being monitored for the purposes of crime prevention and driver safety. The scheme is controlled by [insert name of proprietor]. For further information contact [insert telephone number of proprietor]”
6. The signs shall be a minimum of 9 cm long and 5 cm deep (3½” x 2”), the text size being no less than 6 mm (¼”). The text shall be black lettering on a light coloured background i.e. black text on bright yellow or white background. Any proposed signage and wording must be approved by the Council.
7. The camera location and camera angle shall be such that only head and shoulder shots are recorded within the vehicle. ~~The camera shall be installed above the level of the dashboard in a visible position.~~
- ~~7. The area recorded by the camera shall not extend outside of the vehicle.~~
- ~~8. Concealed cameras are not permitted.~~
8. Recordings may only be used as evidence for proceedings taken either by the Police, the Council or in any civil proceedings. As such, recordings must as a minimum record the correct date and time in hours, minutes and seconds.
- ~~10. Audio/sound recording between members of the public within the vehicle is not permitted.~~
9. The location of the system installation and warning signs within the vehicle must not breach any requirements of any general legislation.
- ~~12. Only one camera will be permitted in the vehicle~~

10. Any proprietor/owner wishing to make alterations to a fitted system must inform the ~~Head of Legal and Democratic Services~~ **Licensing Manager** in writing of the proposed changes before making such alterations.
11. Only the proprietor of the vehicle is permitted to install any CCTV system. The proprietor must always be the owner/hirer of the CCTV system. A driver who is not the proprietor of the vehicle is not permitted to install, remove or tamper with any installed equipment. ~~Any system fitted must be permanent to that vehicle and not easily portable from one vehicle to another.~~
12. All recorded images are to remain the property of the vehicle proprietor and must not be disposed of or supplied to anyone else except in the course of legal proceedings or investigations prior to commencement of legal proceedings. Any such recordings must always be stored in a secure place to which access is controlled.
- ~~13. Any CCTV recordings must be retained for at least seven days, but for no longer than twenty-eight days, unless required in the course of legal proceedings or investigations.~~
14. Any recordings shall be made available immediately to the Police or authorised officer of the Council upon request.
- ~~15. If recordings are made on videotape, it should be ensured that they are good quality tapes and that tapes are discarded when it has become apparent that the quality of images has deteriorated. Tapes should be wiped clean of any images before being discarded.~~
- ~~15. Recordings made by digital means shall be subject to the same conditions as videotapes.~~
15. ~~Both~~ **All** systems should be capable of producing images **and audio** that are of evidential quality **even in poor light conditions**.
16. In the event of an incident taking place within the vehicle where the CCTV is in use, the driver of the vehicle must inform the Police immediately and follow their instructions in order to ensure continuity of evidence. **Where the seal has been broken the vehicle shall be taken to The Civic Centre for re-sealing on the next working day.**
17. The camera and recording equipment must be fitted in accordance with the manufacturer instructions and in compliance with all of the requirements.
- ~~18. The recording equipment must be secured in the boot or rear of the vehicle, in such a position that it cannot be tampered with by members of the public.~~
18. It is the proprietor's responsibility to ensure that a notification is lodged as Data Controller with the Office of the Information Commissioner, to cover the purposes for which the CCTV system is used. The proprietor is also responsible for any payment of fees to the Commissioner.
19. The proprietor shall take all reasonable steps to ensure that all other drivers of the vehicle are made aware of the above requirements and that they are only able to use the system in order to achieve the purpose for which it has been installed.
20. The Council reserves the right to amend the above requirements as and when deemed necessary or as the law requires and, subject to being notified by the Council, the proprietor shall comply with the requirements current at the time.
21. The CCTV system will be subject to spot checks, by an authorised officer of the Council, to ensure compliance with the requirements mentioned above.