

To: General Purposes Licensing Sub Committee
Date: 1st March 2011 **Item No:**
Report of: Head of Environmental Development
Title of Report: Closed Circuit Television in Licensed Vehicles

Summary and Recommendations

Purpose of report: To determine if CCTV should be fitted into licensed Hackney Carriage and Private Hire Vehicles.

Report Approved by: Head of Environmental Development

Finance: Daniel Smith
Legal: Gillian Chandler

Policy Framework: Improving local environment, economy and quality of life and public safety.

Recommendation(s) (Page 1 of 2):

- i) To approve the implementation of CCTV as a mandatory regulation for all Hackney Carriages and Private Hire vehicles licensed for the first time by this Authority from 6th April 2012.
- ii) To approve the implementation of CCTV as a mandatory regulation for all Hackney Carriage and Private Hire vehicles licensed by this Authority prior to 5th April 2012, allowing until 3rd April 2015 for the equipment to be fitted to the vehicle;
- iii) To approve the reimbursement to the vehicle proprietor of a maximum of £100 towards the fitting costs of CCTV to the vehicle (upon proof of receipt of payment for the fitting of the CCTV equipment), such costs to be found from the Taxi Account Reserve, to any eligible proprietor who has been granted a licence for a Hackney Carriage or Private Hire vehicle between 6th April 2009 and 2nd April 2012, restricted to no more than one payment per licensed vehicle;
- iv) To approve the Minimum Standard Specification as detailed at Appendix One, commencing on 6th April 2012, for all vehicles to be fitted with CCTV either as a mandatory regulation, or if voluntarily fitted by a proprietor;

- v) To agree to the request from the Private Hire Trade members to the removal of the current requirement relating to “people carriers” or “vehicles permitted to carry 5 or more passengers” having to replace the manufactured rear window of the vehicle, if the vehicle is fitted with CCTV equipment meeting the minimum standard specification from 2nd April 2012;
- vi) To agree to the request from COLTA relating to the showing of advertisements on a screen placed behind the driver, on the partition of the Hackney Carriage;
- vii) To request that the Guidelines relating to Hackney Carriage Advertisements as detailed at Appendix Two be incorporated within the criteria and regulations pertaining to Hackney Carriages licensed by this Authority from 2nd April 2012;
- viii) To request that the Hackney Carriage Internal Advertisement Criteria as detailed at Appendix Three, and such information be incorporated within existing guidelines;
- ix) To request that the Head of Environmental Development submit a report at the next General Purpose Licensing Committee informing Members as to the progression of the CCTV initiative following forthcoming Trade Meetings;
- x) To request that the Head of Environmental Development submit a report at the next General Purposes Licensing Committee informing Members of any legal requirements associated with the use of CCTV in licensed vehicles, in particular with regard to data protection, human rights, and the Authorities storage of recorded footage obtained;
- xi) To request that the Head of Environmental Development submit a final report regarding the implementation of CCTV equipment in vehicles licensed by this Authority, and submit as an Appendix the revisions to the guidelines, criteria, conditions and regulations relating to Hackney Carriages and Private Hire vehicles licensed by this Authority;
- xii) To request that the Head of Environmental Development make any necessary amendments and additions relating to the regulations of Hackney Carriage and Private Hire vehicles licensed by this Authority to accommodate for the implementation of the CCTV initiative and any further issues rising from the planned Trade Meeting of March 2011, and submit such amendments and additions at the General Purposes Licensing Committee scheduled to be held in October 2011.

Introduction

1. The Licensing Authority is permitted to set fees for the licensing of Hackney Carriage and Private Hire drivers through the provisions of the Local Government (Miscellaneous Provisions) Act 1976 S53(2); and is permitted to set fees for the licensing of Hackney Carriage and Private Hire vehicle sand Private Hire operators through the provisions of the Local Government (Miscellaneous Provisions) Act 1976 S70.
2. This Authority limits the number of Hackney Carriage vehicles that may be permitted to hold a licence, however year on year the volume of licensed Hackney Carriage and Private Hire drivers, and Private Hire

vehicles has increased. Whilst the fee set for a new licence or to renew a licence is calculated on the "reasonable" cost of administering the licence, there are variations in the cost of this activity which can give rise to short term surpluses and deficits.

3. Officers met previously with COLTA and Trade Members, and it was agreed that any surplus accrued should be used to ensure a more effective service be delivered by the Taxi Licensing Team, and any approved initiatives should be part-funded to assist in raising the profile of the Taxi and Private Hire trade in Oxford.
4. The surplus accrued during previous financial years and placed in the Taxi Account Reserve, was discussed previously with COLTA and Trade Members. In consultation with the Hackney Carriage and Private Hire Trade, the Head of Environmental Development requested that Officers explore the possibility of implementing CCTV in licensed vehicles, in order to promote a safer environment for all concerned.
5. The General Purposes Licensing Committee will be aware that Officers have previously reported on this issue. Following in-depth discussions with the Trade, and putting the Trade in touch with potential suppliers, Officers are now able to report the progress of this initiative to the Committee, with a view to implementing the initiative from 6th April 2011.

Background

6. It is this Authority's policy to consider the safety, protection and well being of the general public, including the licensed drivers. Most surveys carried out show that being a 'taxi driver' can be a dangerous occupation, whilst some customers can be extremely vulnerable by virtue of age, disability, sex, etc. Licensing Officers have become aware that the number of complaints from passengers, as well as assaults on drivers, in some cases serious assaults, has been increasing year on year.
7. Complaints received from members of the public range from drivers taking an unnecessary long journey to increase the fare, to alleged sexual assaults. Many complaints are difficult for licensing and/or police officers to determine they often amount to one persons word against another with no evidence to support either side. This is also true when a driver has been allegedly assaulted (verbally or physically) or a customer has allegedly alighted without paying the fare.
8. This initiative is in keeping with this Authority's Corporate Objective to make Oxford a World Class City for those who live in, work in and visit the City. Further initiatives are also being looked in to that would add to this particular project, including High Visibility Roof Numbers affixed to licensed vehicles. Such initiatives will also assist the City in retaining the Purple Flag classification.

Research

9. In order to make progress with this initiative, advice was sought from other Licensing Authorities who had already implemented such a scheme, and to ascertain the relevant criteria that would meet a "Minimum Standard Specification". Following this benchmarking exercise, the minimum standard specification details are attached as Appendix One.
10. The Minimum Standard Specification criteria detailed in Appendix 1 fulfils the CCTV Data Protection Code of Practice, and all vehicles that are to have CCTV fitted, will display signage inside the vehicle in order to ensure that any hirer of the vehicle is aware that the vehicle is equipped as such.
11. In order for Authorised Officers to be able to view any images, it will also be a requirement of future vehicle licence holders that :-
 - The manufacturer of a CCTV system to be fitted to a licensed vehicle must supply this Authority with the equipment to download and watch any image recorded, as required.

Consultation

12. Thames Valley Police has been consulted and it agrees that a CCTV system would help promote public safety and when an incident is reported help with their investigations, if involved.
13. The City Centre Inspector, and the East Oxford Inspector have been extremely supportive of this initiative, and potential forthcoming initiatives.
14. The NightSafe Partnership and Oxford Community Safety Partnership were also consulted, and this initiative has received their full endorsement as it meets their objectives relating to crime reduction, a safe night time economy, etc.
15. COLTA and the Private Hire Trade Associations have been involved and consulted throughout this project, and have given their full support to this initiative. However, communications between the Trade and Officers has not been continual, with the Trade waiting until Meetings were called before raising any questions or concerns about the matter.
16. At the Trade Meeting held on 26th January 2011, the Licensing Team Leader outlined the information obtained so far, which met with full approval of the Trade. The Trade members were informed by the Officers that from here onwards it will be the responsibility of the Trade to speak directly with potential suppliers of the CCTV equipment.

Financial Considerations

17. When assessing the viability of this project, consideration was given to the ability of licence holders to purchase the necessary equipment at a price that would not deter them from wishing to remain in this type of employment. In order to address this concern, it is necessary to offer a flexible manner in which this initiative can be introduced, without causing distress or financial hardship to those affected.
18. In order to provide assistance to licence holders, the surplus finances accrued from previous years were set aside in the Taxi Account Reserve to assist with reimbursing the costs of fitment, whilst setting a maximum reimbursement figure. The expected costs are £100 x 657 vehicles (the present number of licensed vehicles – though this may increase before April 2012), meaning a total approximate cost of £65,700.

Trade Meeting Agreement

19. At the Trade Meeting held on 26th January 2011 at Oxford Town Hall, full agreement with the Trade was reached on the following:
 - a) A Minimum Standard Specification of CCTV equipment – as detailed in Appendix One
 - b) That any person applying for a new Hackney Carriage or Private Hire vehicle licence, whose licence will commence from 6th April 2012, to have CCTV installed to the vehicle in order to meet the criteria for a licensed vehicle in the City, prior to the licence being issued.
 - c) That any person who has held a Hackney Carriage or Private Hire vehicle licence since 6th April 2009 and up until 2nd April 2012, have until 3rd April 2015 to comply with the requirement for CCTV to be fitted in the vehicle. Any vehicle not fitted with such equipment after this date will not meet the criteria of a licensed vehicle in the City.
 - d) That any person who has held a Hackney Carriage or Private Hire vehicle licence since 6th April 2009 and 2nd April 2012 be eligible for reimbursement to a maximum amount of £100.00 for the fitting of the CCTV equipment (upon proof of the fitment of CCTV equipment to the vehicle by means of a valid receipt), restricted to no more than one payment per licensed vehicle.
 - e) That further requests from the Trade would be put to the General Purposes Licensing Committee to determine.
 - f) That Trade Meetings will be held more frequently to help overcome any further concerns regarding the usage of CCTV equipment.

- g) That the Trade would now speak directly with potential suppliers, and bring to any future Trade Meetings information relating to such contact with potential suppliers.
- h) That the provision of a local engineer to address the fitting, servicing and maintenance of any CCTV equipment be resolved between the potential supplier and the Trade.
- i) That a demonstration of the CCTV equipment would be provided to the Trade and to Officers, by the Trade's preferred potential supplier.

Further Trade Requests

- 20. Current City regulations state that no vehicle may be licensed if the windows have a dark tint that allows less than 70% of light through. This condition was agreed by the Committee to help promote safety in the vehicle for the driver and passenger. The majority of "people carriers" are now manufactured with a rear tinted window that allows less than 70% of light in to the vehicle. In order for applicants to meet the criteria, they have had to replace the tinted rear window glass with clear glass, which can cost up to £500 due to the heating elements in the glass.
- 21. The Private Hire members of the Trade have requested that if the Committee are minded to implement CCTV as a mandatory regulation, they permit any "people carrier" that meets with all of the other regulations pertaining to licensed Private Hire vehicles in the City, and that has not been previously licensed by this Authority, be exempt from having to replace the standard manufacturers rear window glass. All other windows must allow at least 70% of light through.
- 22. If the Committee agrees to this request, Officers will need to submit a further report amending the current Private Hire vehicle regulations, specifically relating to Private Hire vehicles permitted to carry 5 or more passengers.
- 23. COLTA has requested that if the Committee is minded to implement CCTV as mandatory to vehicles licensed by the City, that a screen can be placed behind the driver, on the partition, and that advertisements can be displayed. Proprietors of Hackney Carriage vehicles can currently apply to have advertisements on the exterior of the vehicle as well as on the seats. This is common place in Black Cabs found in other UK cities. The guidelines relating to this matter can be found as Appendix Two.
- 24. In such installations, a screen is fitted to the partition inside the cab, and when a passenger enters the cab the screen displays what is being recorded by the CCTV equipment, then after several seconds the screen changes to an advertisement.

25. If the Committee agree that advertisements can be shown on a screen inside the cab, criteria to do so will have to be set. Appendix Three provides details of the recommended criteria.

Other Considerations

26. Following a number of serious assaults on drivers, and, high profile coverage in the local and National Press regarding this initiative (combined with a future initiative that is currently under consideration), it came to light that some vehicle proprietors had been considering purchasing and fitting their own CCTV equipment. This raised concerns to Officers regarding the quality of recording facilities and hard drive storage space, and as such the matter was referred to the Head of Environmental Development for consideration.
27. Following consideration, the Head of Environmental Development requests that should the Committee not wish to further pursue and implement CCTV as mandatory to vehicles licensed by this Authority, that the Committee see fit to implement the CCTV criteria detailed as Appendix One nonetheless. This would be implemented as the "*Minimum Closed Circuit Television Requirements*" for any person wishing to voluntarily fit CCTV equipment in a vehicle licensed by this Authority.

Additional Information

28. Further discussion between the Trade and potential suppliers are imminent, in order to clarify the following:
 - How to use the CCTV equipment
 - Provision of a local certified engineer to fit, service and maintain the CCTV equipment
 - Provision of replacement equipment in the event of technological issues
 - Extended warranty for the CCTV equipment
29. The Licensing Team Leader will be holding a further Trade Meeting at the end of March 2011, and has requested that the Trade approach from their preferred suppliers directly with regard to any of the above listed concerns they have. The Trade will be advising the Licensing Team Leader of the name of their preferred supplier prior to this meeting, in order that the preferred supplier is invited to the meeting, to demonstrate the CCTV equipment, and satisfy any concerns raised.
30. A further report will need to be presented to the General Purposes Licensing Committee at it's next meeting updating Members as to further progress with this matter; and a final report will need to be submitted to the Committee in October 2011 seeking final approval for the implementation of the scheme and any necessary amendment to the

current regulations pertaining to the licensing of Hackney Carriage and Private Hire vehicles in the City, if the recommendations are accepted.

31. Further research by Officers is also required in order to ensure the CCTV initiative complies with all relevant legal requirements. In particular Data Protection, Human Rights, Storage of recorded images / information.

Legal Considerations

32. The Local Government (Miscellaneous Provisions) Act 1976 at sections 47 and 48 allows the licensing authority to attach to vehicle licences such conditions as it considers **reasonably necessary**. Committee must decide whether they consider that a compulsory condition requiring in vehicle CCTV is reasonably necessary. Any person aggrieved by any conditions may appeal to the Magistrates' Court

Recommendations

33. The Committee is recommended to:
 - i) Approve the implementation of CCTV as a mandatory regulation for all Hackney Carriages and Private Hire vehicles licensed for the first time by this Authority from 6th April 2012.
 - ii) Approve the implementation of CCTV as a mandatory regulation for all Hackney Carriage and Private Hire vehicles licensed by this Authority prior to 5th April 2012, allowing until 3rd April 2015 for the equipment to be fitted to the vehicle.
 - iii) Approve the reimbursement to the vehicle proprietor of a maximum of £100 towards the fitting costs of CCTV to the vehicle (upon proof of receipt of payment for the fitting of the CCTV equipment), such costs to be found from the Taxi Account Reserve, to any eligible proprietor who has been granted a licence for a Hackney Carriage or Private Hire vehicle between 6th April 2009 and 2nd April 2012, restricted to no more than one payment per licensed vehicle.
 - iv) Approve the Minimum Standard Specification as detailed at Appendix One, commencing on 6th April 2012, for all vehicles to be fitted with CCTV either as a mandatory regulation, or if voluntarily fitted by a proprietor.
 - v) Agree to the request from the Private Hire Trade members to the removal of the current requirement relating to "people carriers" or "vehicles permitted to carry 5 or more passengers" having to replace the manufactured rear window of the vehicle, if the vehicle is fitted with CCTV equipment meeting the minimum standard specification from 6th April 2012.

- vi) Agree to the request from COLTA relating to the showing of advertisements on a screen placed behind the driver, on the partition of the Hackney Carriage.
- vii) Request that the Guidelines relating to Hackney Carriage Advertisements as detailed at Appendix Two be incorporated within the criteria and regulations pertaining to Hackney Carriages licensed by this Authority from 2nd April 2012.
- viii) Request that the Hackney Carriage Internal Advertisement Criteria as detailed at Appendix Three, and such information be incorporated within existing guidelines.
- ix) Request that the Head of Environmental Development submit a report at the next General Purpose Licensing Committee informing Members as to the progression of the CCTV initiative following forthcoming Trade Meetings.
- x) Request that the Head of Environmental Development submit a report at the next General Purposes Licensing Committee informing Members of any legal requirements associated with the use of CCTV in licensed vehicles, in particular with regard to data protection, human rights, and the Authorities storage of recorded footage obtained.
- xi) Request that the Head of Environmental Development submit a final report regarding the implementation of CCTV equipment in vehicles licensed by this Authority, and submit as an Appendix the revisions to the guidelines, criteria, conditions and regulations relating to Hackney Carriages and Private Hire vehicles licensed by this Authority.
- xii) Request that the Head of Environmental Development make any necessary amendments and additions relating to the regulations of Hackney Carriage and Private Hire vehicles licensed by this Authority to accommodate for the implementation of the CCTV initiative and any further issues rising from the planned Trade Meeting of March 2011, and submit such amendments and additions at the General Purposes Licensing Committee scheduled to be held in October 2011.

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Background papers:

Version number:

Appendix One

Minimum Specification for CCTV Systems Installed in Licensed Vehicles

1. Meet the current Information Commissioner Data protection requirements, at the time of installation
2. Capable of date, time and vehicle identification test information
3. Capable of capturing images during daylight and darkness of sufficient quality to enable identification of any person travelling in the vehicle and be of such a quality that can be used for prosecution purposes where necessary
4. Capable of providing voice recording
5. The recording must be event activated (eg. door or ignition) and continue to record 30 minutes after the ignition is switched off.
6. Capable of recording and storing images for a minimum of 28 days
7. A panic button which will then save all recording for a minimum of 10 minutes before activation in a separate part of the hard drive
8. Have the integrity to prevent images being reviewed, removed and/or downloaded except by a system administrator and/or an authorised council or police officer
9. The system must be digitally encrypted
10. Ensure that the hard disk or data card is not accessible to the driver or any other person travelling in the vehicle
11. The data unit must be securely fixed and stored separately from the camera(s) and out of view of any person travelling in the vehicle
12. All equipment must not present any risk to any person travelling in the vehicle and as far as possible cannot be tampered or damaged by any person travelling in the vehicle
13. All equipment installed in the vehicle must be capable of withstanding and functioning if the vehicle stops suddenly or there is any impact
14. The equipment must be marked as complying with European Industry Standards

15. The camera(s) must be capable of recording all passengers travelling in the vehicle, including the driver. For vehicles other than a saloon car this may require more than 1 camera
16. All images and sound recorded must be in a format that is easily useable by police and the Court system (DVD format recommended)
17. The system must be fitted by an approved installer, specified by the manufacturer, and serviced and maintained as specified by the manufacturer

Appendix Two

Hackney Carriage Advertisement Guidelines

1. Advertisements concerning a radio circuit or taxi business to which the proprietor belongs may be displayed on the rear window of the vehicle only measuring a maximum of 4" x 48". It must not obscure the driver's view to the rear.
2. Suitable commercial advertisements may be allowed on the inside and outside of the vehicle subject to the approval of the Head of Environmental Development.
3. Interior advertisements may be displayed only on the bulkhead on top of the passenger/driver partition or on the base of the front seats. All such advertisements must be encapsulated in clear non-flammable plastic.
4. Exterior advertisements may be displayed on a purpose-built taxi only:-
 - a. As a full-livery advertisement.
 - b. On the lower panels of the front two or all four doors which must be correctly affixed to a continuous flat surface.
 - c. On the rear window subject to the advertisement being of such a form as not to obscure the drivers view to the rear. If such advertisements are displayed, no other matter may be displayed
 - d. Mixtures of advertisers or subject matter are not permitted.
5. Advertisements must be of such a form as not to become easily soiled or detached.
6. All materials and adhesives used in the manufacture of and for the purpose of affixing advertisements to vehicles must be non-flammable.
7. Applications for approval of advertisements must be made in writing to the Head of Environmental Development and, if approval is granted, the approval will be for the duration of the hackney carriage licence and such shorter time which may be decided at the time of the application.
8. The Head of Environmental Development is authorised to grant or refuse any such application provided he/she consults with the Chair, Vice-Chair and Opposition Liaison Member of the General Purposes Committee about any application he/she feels may be unsuitable.
9. Permission will not be granted for the display of any advertisement that does not comply with the Council's criteria for the display of advertisements in or on hackney carriages.

10. Criteria for Display of Advertisements on or in Hackney Carriages

Advertisements displayed in or on hackney carriages licensed by Oxford City Council should be:-

- a. non-racist;
- b. non-sexist;

and should not:-

- a. Cause offence to the general public or any section of the community.
- b. Refer to tobacco or alcohol products unless as part of a health education or similar campaign.

Appendix Three

Hackney Carriage Internal Advertisement Criteria

1. All advertisements have to be approved by the Head of Environmental Development and fulfil the criteria for advertisements.
2. No sound for an advertisement will be allowed
3. All film/video material:
 - a. classified by the BBFC as U, Uc or exempt from classification AND
 - b. comply with the criteria contained in the Councils advertising policy
4. Prior to the approval of any advertisement, any equipment required for the viewing of a video advertisement will be at the expense of the advertiser's agent. All maintenance and any associated costs will be at the expense of the advertiser's agent.
5. A charge will be made for confirming the suitability of all advertisements or other material intended to be shown. The Head of Environmental Development may review charges at any time.
6. All systems complying with the following design and construction criteria:
 - a. All equipment must comply with any legislative requirements in respect of Construction and Use Regulations and other legislation.
 - b. All equipment must be designed, constructed and installed in such a way and in such material as to present no danger to passengers or driver, including from impact with the equipment in the event of an accident or damage from the electrical integrity being breached through vandalism, misuse or wear and tear.
 - c. The equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite or radio system in the vehicle
 - d. The intensity of any screen should not be such as to be visually intrusive or dazzling. The position of the screen must not obstruct the passenger's view of the meter and the visibility of the screen to following vehicles should be minimal.
 - e. All equipment must be installed in the driver's compartment and should not be visible from the driver position.
 - f. The installation must not be such as to weaken the structure or any component part of the vehicle.

- g. The design must be discreet and complement the interior furnishing of the vehicle.
 - h. The system must include safeguards to maintain the integrity of the system and prevent the display of unapproved material.
 - i. Passengers **MUST** be able to switch the system off and once so switched off, the system **MUST** remain off for the rest of that passenger's journey. This condition is necessary both to accommodate passengers who may be susceptible to having flickering image induced fits and those who choose not to watch the advertisements..
 - j. A notice should be displayed within prominent view giving instructions to passengers as to switching off the system.
 - k. All equipment must be protected from the elements, secure from tampering and located such as to have no impact on the luggage carrying capacity of the hackney carriage.
7. Proprietors must ensure that any notice required to be placed in a vehicle in respect of the system remains in place at all times.
 8. Proprietors must ensure that any advertisement appearing on the system complies with the regulations and has been approved by the Taxi Licensing Office. No advertisement or any other thing that has not been approved may be shown.
 9. The systems may be checked at any time at the discretion of the Taxi Licensing Officers. Action may be taken in respect of any non-compliance; this can include requiring the immediate removal of the system.