

To: General Purposes Licensing Committee

Date: 15th June 2011 **Item No:**

Report of: Head of Environmental Development

Title of Report: Closed Circuit Television in Licensed Vehicles - Update

Summary and Recommendations

Purpose of report: To provide an update to Committee as to the progression of the CCTV initiative, following the decision to implement the scheme on 1st March 2011.

Report Approved by: Head of Environmental Development

Finance: Paul Swaffield
Legal: Daniel Smith

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

Recommendation(s):

- i) To note the progression of the CCTV initiative, and make any comments it sees fit to assist with the promotion the scheme;
- ii) To note the legal requirements associated with the use of CCTV in licensed vehicles, in particular with regard to Human Rights Act 1998, Data Protection Act 1998, Freedom of Information Act 2000 and this Authorities Polices and Procedures already in place with regard to the viewing and storage of recorded images.

Introduction

1. At it's meeting on 1st March 2011, the General Purposes Licensing Committee agreed to the implementation of CCTV in all licensed vehicles as detailed in the report submitted on that date, and requested that:
 - The Head of Environmental Development to submit a report informing Members as to the progression of the CCTV initiative following further Trade meetings; and that
 - The Head of Environmental Development submit a report 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.

2. The General Purposes Licensing Committee also requested at its meeting on 1st March 2011, that
 - The Head of Environmental Development submit further reports to the General Purposes Committee in October 2011 and January 2012, with regard to the finalisation of the CCTV initiative in order to meet with the implementation date of 6th April 2012.

Progression of the CCTV Initiative

3. At a meeting held on 28th March 2011 between the Licensing Officers, the Private Hire Operators, the Private Hire Drivers Association and the City of Oxford Licensed Taxi Association (COLTA), and representatives of Regent Range Limited (the Trades preferred CCTV supplier) and Air Services (the Trades preferred authorised CCTV fitter and servicer), the following issues were addressed:
 - The estimated purchase price of a CCTV system that met with the Minimum Standard Requirements as adopted by this Authority would be approximately £400.00 + V.A.T. Prices provided by the Trade Members preferred supplier indicate that most systems (including one camera) will cost less than this anticipated price. Vehicles requiring two cameras will cost slightly more than the £400.00 estimated cost.
 - The estimated fitting cost of the CCTV system and camera(s) would be approximately £100.00 + V.A.T.
 - Vehicle proprietors were instructed to make contact with either COLTA or their Private Hire Trade representative in order to place an order for their CCTV unit and to book an appointment for the unit to be fitted.
 - The Minimum Standard Specification for CCTV, conditions relating to CCTV fitted in Hackney Carriages, and Private Hire vehicle that seat more than 5 passengers had been made available on the Council's website, and would be included in the Hackney Carriage and Private Hire Vehicle Licensing application packs.
 - That one Hackney Carriage and one Private Hire Vehicle had already had CCTV units fitted in order to demonstrate the system.
 - When formulating any licence conditions relating to the use of CCTV systems in licensed vehicles, some flexibility in the wording of the conditions would be prudent whilst the scheme is implemented. It was suggested that 2 working days would be an acceptable timeframe for any fault to be rectified. However a Regent Range spokesperson stated that it is extremely rare for the systems to develop a fault, and that when they do, the system emits an audible alarm. The most common fault is due to an error with the hard-drive, which is a simple issue to remedy, and units can be fitted with an alternative hard-drive on the same day.

- It was also confirmed that Officers would only wish to view the relevant section of CCTV footage linked to a complaint received or enforcement action undertaken. There was no suggestion that Officers would request that all CCTV footage be made available.
- The operation of the CCTV systems would be checked when the vehicle attended it's 6 month MOT and when ad-hoc compliance checks were carried out by Authorised Officers. Training will be provided by Regent Range Limited to Officers and mechanics.
- The representatives from Air Services stated that they could supply a "Maintenance Contract" to all proprietors to cover any servicing and technical needs.
- A demonstration of a fitted CCTV unit was then shown to all present, and the benefits to the driver and passenger were recognised by all present.
- No further concerns were raised, and all present agreed to press ahead with ensuring that the initiative could come in to force on 6th April 2011.

Human Rights Act 1998

4. The Human Rights Act 1998 affords individuals the right to privacy. However, this is a qualified right and providing it complies with other legislation, may be restricted on certain grounds including; public safety or the prevention of crime and disorder. The level of interference with privacy must be proportionate to the level of risk to safety, disorder etc. The degree of privacy reasonably expected in a taxi cab is much lower than that expected in eg. ones own home. In order to comply with legal requirements any CCTV system would need to be compliant with the Data Protection Act 1998.

Data Protection Act 1998

5. Since 24th December 2001 all commercial CCTV which records data in areas to which the public have mostly unrestricted access must register their system(s) with the Information Commissioner.
6. Under the terms of Data Protection legislation, individuals have access to personal data about themselves, for which an administrative fee (£10.00) is charged for processing the request. The person making the request is only shown information relevant to that particular search and which contains personal data of her or him self only, unless all other individuals who may be identified from the same information have consented to the disclosure.
7. In the event of the data controller complying with a request to supply a copy of the data to the subject, only data pertaining to the individual should be copied, (all other personal data which may facilitate the identification of any other person should be concealed or erased). Under

these circumstances an additional fee shall be payable.

8. The data controller is entitled to refuse an individual request to view data under these provisions if insufficient or inaccurate information is provided. In addition, the data controller is entitled to refuse a request if the CCTV footage is likely to become, part of a 'live' criminal investigation.
9. The Data Protection Act (1998) is designed to prevent the misuse of personal information. Legal obligations are placed on anybody who handles this type of information, namely:
 - The need to recognise a request from an individual to prevent processing likely to cause substantial and unwarranted damage or distress (s10 DPA); and
 - To prevent automated decision-taking in relation to the individual (s12 DPA)

Storage of CCTV Images

10. The majority of the public at large have become accustomed to camera surveillance. Concerns expressed arise mainly over matters appertaining to the storage of information, i.e. what happens to the material that is obtained.
11. In processing personal information there must be total respect for the privacy of the individual. That right to respect can be forfeited, but if CCTV schemes are to command public confidence, then privacy concerns of the law-abiding citizen must be paramount.
12. To take into account future legislative change, the eight principles of the Data Protection Act, 1984, are to be adhered to; namely to:
 - Obtain and process personal data fairly and lawfully.
 - Hold the data only for the purposes specified.
 - Use the data only for the purposes, and disclose only to the people, shown within these policies and procedures.
 - Only hold data that is adequate, relevant and not excessive in relation to the purpose for which the data is held.
 - Ensure personal data is accurate and, where necessary, kept up to date.
 - Hold data for no longer than is necessary.
 - Allow individuals access to information held about them and, where appropriate, correct it or erase it.
 - Take security measures to prevent unauthorised or accidental access to, alteration, disclosure, or loss and destruction of information.
13. In order to support the requirements of these policies and procedures, in particular, legislation surrounding the recording and storage of sound and image data, the Council has registered its use of CCTV with the

Data Protection Registrar for the purpose of “crime prevention, crime detection and public safety and for the prosecution of offenders”; and with the Information Commissioners Office for the CCTV throughout the City.

14. To comply with the Data Protection Act 1998 there must be clear and visible signage on each vehicle so that customers know that a system is in the vehicle. Signage shall be placed on the windows of both rear doors and will be clearly visible both outside and inside the vehicle. There shall also be a clearly visible sign placed on the dashboard of the vehicle. In the case of vehicles that have more than two rows of rear seats there will also be signs on the rear quarter windows. Specifically for Hackney Carriages, there shall be additional signage placed on the partition between the passengers and drivers. The sign shall have the image of a CCTV camera as well as a microphone to show that the system also records audio. An image of such signage drafted by the Trade’s preferred supplier is attached as **Appendix One**, however further development of this signage is required before a final version is agreed by all parties.
15. The sign also states that the driver of the vehicle has no control of the operation of the system and provides the contact details of this Authority should any passenger need to contact the Licensing Office. The Freedom of Information Act 2000 permits passengers to make a request to obtain CCTV footage of themselves, however, there are strict guidelines to follow as the driver and any other passengers would be recorded on the footage, which should be considered if any such request is made.

Viewing of CCTV Images

16. All images are viewed and recorded in the Bravo Victor Suite at St Aldate’s Police Station. Any necessary amendments to the Information Commissioners register will be carried out by the Corporate Secretariat Manager and the ICT Client Manager.
17. All CCTV images are encrypted and will only be downloaded by Authorised Officers and Police Officers. Such actions are permitted, only when intelligence has been provided that would lead the Officer to believe that acquiring the CCTV footage would assist in resolving an enforcement action either at local level, or in a Court of Law. Evidential procedures which are already in place at Oxford City Council and Thames Valley Police that must be followed in order that an image may be admissible if required in any court proceedings. Attached as **Appendix Two** is the proposed “Taxi Download Request Form”, and attached as **Appendix Three** is the proposed “Witness Statement” to be used when relaying the findings of an investigation when the use of CCTV footage has been required.

Freedom of Information Act 2000

18. The Freedom of Information Act (2000) provides a right of access to any recorded information held by public authorities, subject to a number of

exemptions. Legal obligations are placed on public authorities to follow certain procedures when responding to requests for information.

Financial Considerations

19. There are no financial considerations contained within the content of this report that apply to the Authority.

Legal Considerations

20. Any legal considerations with regard to compliance with Data Protection, Human Rights, Freedom of Information and the storage and viewing of recorded material, are detailed in this report, and therefore are already accounted for through Policies and Procedures in place within this Authority.

Recommendations

21. The Committee is recommended to:
 - i) Note the progression of the CCTV initiative, and make any comments it sees fit to assist with the promotion of the scheme; and
 - ii) To note the legal requirements associated with the use of CCTV in licensed vehicles, in particular with regard to Human Rights Act 1998, Data Protection Act 1998, Freedom of Information Act 2000 and the Authorities Policies and Procedures already in place with regard to the viewing and storage of recorded images.

Name and contact details of author: Julian Alison
Licensing Team Leader
Tel: 01865 25(2381)
Email: jalison@oxford.gov.uk

Background papers:

Version number: