



## SHEFFIELD CITY COUNCIL LICENSING COMMITTEE

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**Report of:** Chief Licensing Officer

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**Date:** 5<sup>th</sup> February 2013

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**Subject:** Private Hire and Hackney Carriage Licensing

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**Author of Report:** Steven Lonnia Chief Licensing Officer, Business and Strategy, Place Portfolio

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**Summary:** Report – Image recording Equipment in Licensed Vehicles Review

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**Category of Report:** OPEN

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# **Report of the Chief Licensing Officer and Head of Licensing to the Licensing Committee on 5<sup>th</sup> February 2013**

## **Image recording equipment (CCTV) in Licensed Vehicles**

### **1. Purpose**

1.1 To review the Policy and specification of CCTV equipment in Licensed Vehicles.

### **2. Reason for referral**

2.1 Sheffield City Council, Licensing Sub Committee on 25<sup>th</sup> October 2012 agreed to defer a decision on making CCTV system in Licensed Vehicles a mandatory condition of the vehicle licence. The Committee wish to have more information and research into the types of systems available, costs and also await the guidance from the outcome of legal challenges.

### **3. Background**

- 3.1 Sheffield City Council, Licensing Board on 23<sup>rd</sup> May 2003 agreed a policy and a specification to allow Licensees to install image recording equipment in their licensed vehicles. A copy of the agreed specification is attached to this report at appendix A.
- 3.2 This policy was re-examined and the Board considered the policy on the 17th April 2007. The Board at that time discussed the possibility of a mandatory policy within the debate but made no changes to the policy.
- 3.3 Taxi and Private hire drivers work alone, often at night and often in remote places. They also carry money and as a result are vulnerable to assault and abuse.
- 3.4 Recently in Sheffield, we have encountered a number of attacks on drivers for differing reasons and with differing levels of abuse or violence. Most recently a driver was attacked and lost the vision in one eye which will ultimately cost him his licence to drive.
- 3.5 The issue regarding the safety of drivers was again raised in August 2005 following the London bombings (7/7), a working group was formed to look at this particular issue.
- 3.6 It was decided to run a pilot scheme by fitting cameras in a sample of a number of taxis and private hire vehicles.
- 3.7 The Pilot scheme was undertaken by funding from the Sheffield "Safer Communities" and led by Andy Christian and Shabaz Ramzan. A copy of the full report on the scheme and its affect has been circulated to the Licensing Committee and Interested Parties.
- 3.8 Members also need to consider the safety of passengers whilst being carried in licensed vehicles. Currently none of the CCTV cameras that are fitted into Sheffield Licensed vehicles would protect a passenger from an assault or attacks from a driver. Their Licensing Authorities role under the legislation is around Public Safety.

3.9 The current CCTV is primarily the type which is designed to only save images if the panic button has been pressed. The panic button is solely at the discretion of the driver to activate.

#### **4. The Current Situation**

4.1 Prior to the pilot scheme being introduced no driver/licensee had approached the Licensing Service for consent to install a CCTV camera in a licensed vehicle.

4.2 Since the completion of the pilot scheme the 33 vehicles which had the systems fitted as part of the scheme have kept those systems in place.

4.3 Currently 128 vehicles have been granted consent to install CCTV cameras. This is out of a total fleet of 2224 vehicles, this equates to just over 5% that operate a CCTV system. There may well be more vehicles that have had systems fitted that have not told the Council or applied in the proper manner for consent to have cameras in the vehicle.

#### **5. Consultation**

5.1 A copy of this report has been circulated to the various taxi and private hire trade associations, who have also been invited to this meeting. Copies of any written recommendations that have been received are attached to this report. The Licensing Service also has regularly consultation meetings with the trade association where issues are raised in relation to Policy meetings.

5.2 Both the Chief Licensing Officer and Principal Licensing Officer (Taxis) met with trade representatives at a licensing consultation meeting on 22<sup>nd</sup> August 2012 where this subject was on the agenda. The consensus from the trade is that they would be against any form of compulsory order to have CCTV fitted, and believed it should remain optional.

5.3 The trade representatives have been invited to attend this meeting to make representations to the committee.

#### **6.0 The Legal Situation**

6.1 The Licensing Committee may determine policies on any area it considers it appropriate to do so. The only legal restrictions on setting of policies are that proper consideration is given to all relevant factors and that the policy when determined is appropriate, proportionate and reasonable.

6.2 Should the Licensing Authority wish again approve the usage or alter the terms and conditions of the usage of CCTV in licensed vehicles then they will need to agree a detailed specification for the attributes of the CCTV systems in order for systems to be considered to be suitable for use.

6.3 Overt use of CCTV is permissible in most situations provided the usage complies with the legal requirements such as Data Protection and Human Rights.

6.4 The Information commissioner has recently been involved in high profile cases such as the Southampton City Council case where they introduced a mandatory CCTV condition that stated the CCTV system must be a continuous recording of both visual and audio. The information commissioner deemed the policy to be in breach of the Data Protection Protocols and intrusive into the private lives of not only drivers but also the travelling public in those vehicles.

## **7. Southampton City Council V May Court Case Judgement**

7.1 This judgement was made in November 2011 the appeal was made against the introduction of mandatory recording equipment both audio and visual in licensed vehicles in Southampton.

7.2 This was an appeal by the Council against a decision of a District Judge to allow an appeal by a licensee who wish to challenge the condition of licence which would have made him install the compulsory cameras.

7.3 The Appeal was allowed as the Judges decided that the lower Court did not have the power to make judgement on a policy and that the correct way to challenge the decision should have been by Judicial review after the inception of the policy.

Therefore they adjudged that the lower court did not have jurisdiction to overturn the policy of the Council, therefore the appeal was allowed.

7.4 The Judges added a statement, that stated –“if we had such jurisdiction, we would have found in the favour of the respondent that the policy was not lawful, and was not justified in pursuance of legitimate aims and objectives”

“If the policy were amended and the condition limited to visual recordings while the vehicle was in operation of a taxi, the policy would in our view be justified in pursuance of those legitimate aims and objectives, and therefore lawful”.

7.5 The outcome was that although the Judges sided with the appellant at the original hearing in that the condition was disproportionate and invasive. The appeal to them was not on that grounds.

## **8. Financial Implications**

8.1 There are no financial implications to the Council if any policy approved placed the responsibility for purchasing and installing CCTV in licensed vehicles upon the licensees.

8.2 Current costs of systems that would potentially meet the requirements of the Council can be purchased from a number of manufacturers and prices start from just under £300. However, these systems are very limited in what they achieve with regards to safety.

8.3 If the Licensing Authority wish to make changes to the current specification so that the system was recoding longer and that they were kept/saved for a longer period this would considerably narrow the choice of system for a licensee. The price of such

systems are not readily available, however, we would estimate that they would start from around £500.

- 8.4 The current CCTV systems installed in licensed premises under the Licensing Act must be able to save recordings for a minimum of 31 days before being erased or overwritten. There are no current vehicle systems that have the capacity to store images for that amount of time. Therefore, are there any benefits to CCTV for investigation of complaints or potential offences if they are unable to save them for a reasonable amount of time.
- 8.5 The capacity of CCTV systems are usually measured by the amount of images they can store. One of the leading products on the market currently stores between 37,500 images and 157,500 images this equates to between 1GB and 4GB of memory.
- 8.6 CCTV systems take around 8 frames per second, every frame is an image and that means that the system takes 480 images a minute that would be 28,800 images per hour. Therefore, a 1 GB system could store approximately 1½ hours worth of images. Currently the systems in use overlap the last image to save space, unless the system is activated to hold the images.
- 8.7 A system that holds a full 8 hours of a drivers shift, currently is not available and if available would need driver access to change the storage device to retain the images of each and every shift undertaken.
- 8.8 Copies of manufacturer's information documentation will be available at the meeting.

## **9.0 What needs to be considered**

9.1 Set out below are a list of questions for consideration by members. The list is not exhaustive and is just to give members an idea of the issues that need to be considered;

- Does the Licensing Authority want a voluntary or compulsory policy regarding the installation of CCTV in both Private Hire and Hackney Carriage Vehicles?
- If CCTV is to be installed by licensees is it for the protection of the driver, or the passengers or both?
- What specification of CCTV will be required to achieve the aims of any such policy?
- How long will images be required to be saved on the system?
- Will the system be initiated by the driver or by the ignition?
- Who (Police and Licensing Authority) and how can the system be accessed? (Data Protection)
- What are the costs of such a system and who will pay for it?
- How will the system be checked that it is working and fit for use?

- When would such a policy come in to place and what timescales would be given to licensees to install the system?

10. **Recommendations**

10.1 Members are asked to consider the contents of this report and any representations that may be made in writing and/or verbally at the meeting.

11.0 **Options**

11.1 To agree that the current policy is satisfactory and make no changes.

11.2 To agree that the current specification is satisfactory and make no changes.

11.3 To propose any potential changes to the policy and/or the specification as the committee consider appropriate.

11.4 To outline any potential changes to the policy and specification for further consideration and request that the Chief Licensing Officer investigate the proposals with regards to costs and the impact those changes may have and report back to a further policy meeting with a full report after consultation.

Stephen Lonnia  
Chief Licensing Officer and Head of Licensing  
Feb 2013

# APPENDIX A

Specification for Closed Circuit Television Cameras in Hackney Carriages and Private Hire vehicles.

### **1. Data Protection.**

All image recording equipment must comply with the requirements of current Data Protection legislation. Documentary evidence of compliance must be provided with any application for consent to use such equipment.

### **2. Installation.**

Equipment must be installed in such a way that it will not cause injury to the driver or the passengers.

Equipment must be secure and not interfere with the safe operation of the vehicle.

All wiring must be fused at source and appropriately routed.

### **3. Operation and image security.**

Images captured must remain secure at all times and be accessible only to Authorised Officers of Sheffield City Council, Police Officers or other bodies specifically approved by Sheffield City Council.

Some form of encryption and access code will be required to ensure permanent security of images.

Recorded images must show the date and time image was captured and identify the vehicle to which the equipment is installed.

### **4. Signage**

There must be a sign informing passengers that the vehicle is fitted with surveillance equipment. The recommended wording on the sign is as follows.

#### **PASSENGER NOTICE**

This taxi/private hire vehicle is protected by a

**Digital surveillance Camera.**

Any images recorded are held in a secure format and can only be viewed by the police and the licensing authority

#### **SYSTEM PROVIDERS DETAILS**

Signs shall not be less than 88sq CM (11 x 8 cm)

The proposed signage must be submitted to the Council for approval.

The signs shall be located on each passenger door window and legible from outside the vehicle.