



Communities Directorate

16 March 2017

Licensing and Control Committee A

Date:	27 March 2017
Time:	6:30pm
Venue:	Gordon Room, Stoke Abbott Road

Committee Membership: Councillors Paul High (Chairman), Tom Wye (Vice Chairman), Paul Baker, Keith Bickers, Joan Bradley, Callum Buxton, Edward Crouch, Lionel Harman, Joshua High, Luke Proudfoot, Susan Jelliss, Jane Sim, Bob Smytherman, Paul Westover, Steve Wills

Agenda

Part A

1. Declarations of Interest

Members and officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

2. Substitute Members

3. Confirmation of Minutes

To approve the minutes of the Licensing and Control Committee A meeting of held on the 30 January 2017, copies of which have been previously circulated.

4. Public Question Time

To receive any questions from Members of the public in accordance with Standing Order 11.2

(Note: Public Question Time will operate for a maximum of 30 minutes.)

5. Findings of the Hackney Carriage and Private Hire Handbook Working Group

To consider a report by the director for Communities, copy attached as item 5

6. CCTV Impact assessment for Private Hire and Hackney Carriage licensed vehicles

To consider a report by the director for Communities, copy attached as item 6

Part B - Not for publication - Exempt Information Reports

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
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Duration of the Meeting: Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

Findings of the Hackney Carriage and Private Hire Handbook Working Group

Report by the Director for Communities

1.0 Summary

- 1.1 This report details for members the outcome of investigations following concerns raised during public question time at the Committee's meeting on the 30 January 2017.

2.0 Background

- 2.1 At the Committee's meeting on the 30 January 2017 a representation was made by individuals of the Hackney Carriage and Private Hire trade. The representation asserted that changes made to the Hackney Carriage and Private Hire Handbook were not those that had previously been agreed.
- 2.2 In response to the claims the Committee agreed to set up a small working group consisting of Councillors Paul Baker and Joshua High. A private hire operator, Mr Andrew Carr was invited to give evidence to the working group.
- 2.3 The working group met on the 14 February to go through a list presented by members of the trade at the Committee's meeting on the 30 January.
- 2.4 The working group found, with the exception of one inconsistency, that the handbook was congruent with decisions made by the Licensing and Control Committee A at the meetings held on the 26 September 2016 and the 15 December 2016.
- 2.5 When referring to the dress code the final version of the handbook omitted a sentence encouraging operators to see that the dress code be adhered to.
- 2.6 That withstanding, the trade representative felt that there were some aspects of the handbook that needed further review. For clarity they are detailed as follows:

1. Appendix E, Private Hire Vehicle Specification, Section 2 2.1 - 2.3a, - with regards to the 7 year on 10 year off rule the working group was told that even though cars past ten years of age could be licenced with six monthly inspections they would not be allowed to be licensed because of a clause that stated the vehicle would only be accepted for use if *'Mileage for the vehicle is no higher than the average mileage that could be expected for a similar vehicle if that vehicle was used solely for social, domestic and pleasure purposes.'* Members were told that this was not realistic for a vehicle used as a taxi.
2. Appendix E, Private Hire Vehicle Specification, Section 2, 2.3I - The handbook stated *'that the vehicle must have a service record to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification.'* The working group was told that a full service record was not always available upon purchase of a vehicle.
3. Paragraph 4, 4.7 - the representative sought advice about the need for disability awareness training for those drivers who had imminent licence renewals . Advice from the taxi licensing team was that drivers that have already undertaken the Btec will not be required to take disability awareness training as they have already undertaken the disability training within the Btec qualification. If any driver wishes to refresh or update their knowledge then details are available at the taxi licensing office;
4. Paragraph 14 14.1, 41.2 - Door signage - the representative asked why these had to be permanent fixtures given that there were already fixed plates to both rear doors to the vehicles. He told the group that drivers used their vehicles for social domestic and pleasure and should be able to remove the signs when not in use for business;
5. Paragraph 13 - 13.3 - Roof signs - There were concerns for the representative that the roof sign size listed in the handbook was not the correct size and that stipulated wording was unnecessary. The taxi licensing team has provided information that the error relating to size has been noted and that a further report will be submitted to the committee on that issue.
6. Appendix M revised, points system - The representative stated that they had not been aware of the meeting that had discussed the penalty points system and felt that some of the points were overly punitive such as being given points for being late for a booking;
7. Appendix J, Dress code - The representative stated that the dress code was unnecessarily excessive. The Licensing office has commented that it would not object to a driver looking smart in polo shirt and a pair of jeans.
8. Appendix K, 4 - 4.1 and 4.2 - the representative told members that provisions relating to the booking of journeys didn't take account of bookings via apps and that drivers could not book a return journey on behalf of a customer whilst transporting them on an outward journey. The licensing office has commented that it is unlawful for a driver to take a booking unless he/she holds a private hire operator licence and that a return journey can be made at the time the customer is making the first booking with the operator.

2.6 The handbook in its current form came about as a result of extensive consultation and committee debate. Advice from the legal department is that non-minor changes to the handbook should need to go through the same process.

2.6 The working group discussed how communication between the trade and the licensing office could be improved and it was considered beneficial if regular timetabled meetings could be held which included an agenda and some type of record of the outcome of the meeting.

3.0 Proposals

3.1 The working group is aware that concerns have been expressed by some Hackney Carriage and Private Hire Drivers concerning the final version of the handbook but is mindful of the consultation exercise that has been undertaken to put it together. It is proposed that the Licensing and Control Committee A set a date by which a formal review of the handbook can take place after a reasonable period of time and believes that this would provide parties with an interval in which an assessment of the operation of the handbook can be made. This could be 18 - 24 months or whatever period of time the committee decides. Part of the review should include a consultation period involving the Hackney Carriage and Private Hire trade.

3.2 That at the start of the year the taxi licensing team schedule 2-3 meetings a year to meet with taxi and private hire drivers and that this meeting have an agenda and a method of recording the content of the meeting.

4.0 Legal

4.1 All significant changes to the handbook require Committee Consultation particularly where the rules of natural justice, caselaw, statute and regulatory law may be affected.

5.0 Financial implications

5.1 There are no financial implications for the Council

6.0 Recommendation

6.1 That the Licensing and Control Committee A sets a time frame within which the Hackney Carriage and Private Hire licensing handbook be reviewed as set out in 3.1.

6.2 That the Licensing and Control Committee A recommends that a regular timetabled meeting be set up between the Trade and Licensing Officers, that those meetings have an agenda and some method of recording the meeting.

6.3 That the Licensing and Control Committee A note the minor amendment to the handbook as set out in paragraph 2.5 of the report.

**Mary D’Arcy
Director for Communities**

**Local Government Act 1972
Background Papers:**

Reports, minutes and recordings of the meetings of the Licensing and Control Committee
26.09.16 and 15.12.16

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Schedule of Other Matters

1.0 Council Priority

1.1 Licensing of taxi and private hire drivers is directly related to public safety issues.

2.0 Specific Action Plans

2.1 Matter considered and no issues identified.

3.0 Sustainability Issues

3.1 Matter considered and no issues identified.

4.0 Equality Issues

4.1 Matter considered and no issues identified.

5.0 Community Safety Issues (Section 17)

5.1 Licensing of taxi and private hire drivers is directly related to community safety issues.

6.0 Human Rights Issues

6.1 Matter considered and no issues identified.

7.0 Reputation

7.1 The Committee must balance the rights of the individual against and the potential risk to the Council's reputation if it should transpire that the wrong decision has been taken.

8.0 Consultations

8.1 As set out in the report

9.0 Risk Assessment

9.1 Financial - there are costs associated with a public consultation

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

CCTV Impact assessment for Private Hire and Hackney Carriage licensed vehicles

Report by the Director for Communities

1.0 Summary

- 1.1 This report details for members the outcome of a CCTV Impact Assessment following the Committee's meeting on the 26 September 2016, when it was resolved by Members to approve a new Hackney Carriage and Private Hire Licensing Handbook and the issue of the installation of CCTV be brought back to the Committee following completion of the assessment.

2.0 Background

- 2.1 At the Committee's meeting on the 26 September 2016 a decision was made to defer the decision on compulsory CCTV installation for Private Hire and Hackney Carriage licensed vehicles (LCCA/16-17/04).
- 2.2 The Committee agreed that a CCTV impact assessment would be required to enable the Committee to make a decision on CCTV.
- 2.3 Some Hackney Carriage and Private Hire Vehicles have already installed CCTV, and the Council's current Handbook does not contain any guidance on the use of CCTV.
- 2.4 If the Council is to allow the use of CCTV in Hackney Carriage and Private Hire vehicles it should ensure that there is clear conditions of use. It is timely, for the licensing conditions to be clear on the optional or mandatory use of CCTV.

2.5 Data protection code of practice for surveillance cameras and personal information

In determining the use of CCTV in Hackney Carriage and Private Hire vehicles the Council has relied upon the Information Commissioner's 'Data protection code of practice for surveillance cameras and personal information' (2015) [ICO : A data protection code of practice for surveillance cameras and personal information \(2015\)](#).

CCTV surveillance camera devices which process personal data/information must comply with the principles of the Data Protection Act (DPA) 1998. The code sets out the Information Commissioner's recommendations on how the legal requirements of the DPA can be met. The code also reflects the wider regulatory environment as well as the ICO's [ICO Conducting privacy impact assessments code of practice \(2014\)](#) [SCC : Surveillance Camera Code of Practice \(2013\)](#)

The ICO promotes privacy impact assessments (PIA) as a tool which will help organisations to comply with their DPA obligations, as well as bringing further benefits.

2.6 **CCTV in Hackney Carriage and Private Hire vehicles privacy impact assessments**

In order to assess the impact of introducing mandatory or voluntary conditions in relation to the use of CCTV in hackney carriages and private hire vehicles a PIA has been undertaken in consultation with the Council's Data Protection Officer. **Appendix A** conclusion of the PIA, protects the drivers and public and ensures fit and proper purposes.

2.7 **CCTV in Hackney Carriage and Private Hire vehicle conditions**

The 26th September 2016 Committee report makes reference to the Consultation and for completeness those comments regarding CCTV are attached in **Appendix B**

2.8 The Hackney Carriage and Private Hire handbook was previously approved overall following the consultation process and was agreed that CCTV would follow thereafter to form part of the Hackney Carriage and Private Hire handbook after the impact assessment review see **Appendix C** if approved this appendix will be inserted at the end of Appendix A, B, E, and F of the current approved Hackney Carriage and Private Hire handbook.

3.0 **Proposals**

3.1 Although proprietors are volunteering to install CCTV, officers recommend the formal introduction of a condition for respective hackney carriage and private hire vehicle licences to require the mandatory use of CCTV.

3.2 There will be some exceptions to the rule. The risk of violence, threat or

intimidation towards executive driver and other speciality business is very small. Accordingly, there should be a presumption in favour of requiring all licensed vehicles to have CCTV with the exception of:

- Executive or Speciality Vehicles

Worthing Borough Council authorised officers should be given authority to grant such dispensations to proprietors from the requirement to have CCTV on individual merit.

- 3.3 The initial costs of any CCTV system may be recoverable as an allowable business expense for tax purposes. It is understood that a competent system can be purchased and installed for about £474.00 or £26.00 a month. Some insurers may offer reduced insurance premiums where CCTV is installed and has been proven to assist with insurance claims
- 3.4 Should the committee endorse the mandatory use of in car CCTV cameras by way of formal conditions, there should be a presumption in favour of a “phased in” approach to allow both vehicle proprietors and system installers’ time to comply with any new committee directives.
- 3.5 Recognition of the PIA assessment should be noted and approve the conditions of use for CCTV in Hackney Carriage and Private Hire vehicles.
- 3.6 Approve the mandatory use of CCTV for;
- a) new licences from the date of the first issue of the licence; and
 - b) existing licensed vehicles within a year from the issue date of the licence.

4.0 Legal

- 4.1 The Council has a statutory duty when considering applications for hackney carriage and private hire driver’s licences under the Local Government (Miscellaneous Provisions) Act 1976 to not grant a unless it is satisfied that the applicant is a fit and proper person to hold a driver’s licence.
- 4.2 When determining licensing policies and applications, the principles of the Human Rights Act 1998 must be taken into consideration. The convention rights of both individuals and members of the public as a whole will be given due weight. The Act acknowledges that local authorities are entitled, amongst other things, to act where this is in the “general interest”.
- 4.3 Members must consider each licensing issue on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Local Government (Miscellaneous Provisions) Act 1976. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.

- 4.4 All policies, guidance and applications, before Committee, must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities
- 4.5 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all licensing matters. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from the public and authorities particularly the Police.

5.0 Financial implications

- 5.1 There are no financial implications for the Council

6.0 Recommendation

- 6.1 The Committee is asked to consider the draft Hackney Carriage & Private Hire CCTV conditions and the representations received. Members are requested to approve the adoption of the conditions set out at Appendix C in relation to the installation and use of CCTV in Hackney Carriages and Private Hire vehicles, and that these conditions form part of the licensing handbook previously approved on the 26th September 2016..

Mary D'Arcy
Director for Communities

Local Government Act 1972

Background Papers:

- **Appendix A** – Impact Assessment
- **Appendix B** – CCTV representations
- **Appendix C** - Conditions to be applied to Hackney Carriage and Private Hire Vehicles
- **Appendix D** - Photo evidence of injuries inflicted on a driver

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Schedule of Other Matters

1.0 Council Priority

- 1.1 Licensing of taxi and private hire drivers is directly related to public safety issues.

2.0 Specific Action Plans

- 2.1 Matter considered and no issues identified.

3.0 Sustainability Issues

- 3.1 Matter considered and no issues identified.

4.0 Equality Issues

- 4.1 Dealt with in the body of the report.

5.0 Community Safety Issues (Section 17)

- 5.1 The public have a right to expect the Council to protect them from improper persons being granted a licence.

6.0 Human Rights Issues

- 6.1 All applicants have the right to expect that their application will be properly and fairly considered. The public have a right to expect the Council to protect them from improper persons being granted a licence.

7.0 Reputation

- 7.1 The Committee must balance the rights of the individual against and the potential risk to the Council's reputation if it should transpire that the wrong decision has been taken.

8.0 Consultations

- 8.1 Matter considered and no issues identified

9.0 Risk Assessment

- 9.1 Financial - The only consequences identified are those associated with the defence of an appeal, or a judicial review, if the applicant were to pursue the application through the courts following a decision by this committee that the applicant regarded as unsound.

10.0 Health & Safety Issues

- 10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

- 11.1 Matter considered and no issues identified.

12.0 Partnership Working

- 12.1 Matter considered and no issues identified

Privacy impact assessment (PIA) for CCTV within licences Hackney Carriage and Private Hire Vehicles.

1 Identifying the need for a PIA

As the Council is looking to mandate the use of CCTV as part of Hackney Carriage and Private Hire licensing the Council is undertaking this PIA to look at if the initiative is lawful, proportionate, and to ensure that privacy risks are minimised while allowing the aims of the CCTV in licensed Hackney Carriage and Private Hire vehicles to be met whenever possible. Risks can be identified and addressed at an early stage by analysing how the proposed uses of personal information and technology will work in practice.

As part of that assessment it is necessary to determine who is the 'data controller. The recording and storage of CCTV images is personal data and falls within the Data Protection Act 1998 (DPA). The DPA defines a "data controller" as the individual or organisation which has ultimate responsibility for how personal data is collected and processed. For the purpose of the installation and operation of in-vehicle CCTV, the council considers that the the "data controller" is the company, organisation or individual which has decided to have a CCTV system installed and operating within the vehicle. The 'data controller' is responsible for processing and exercising control over personal information together with how images are stored and how they should be disclosed. Data controllers must ensure that any processing of personal data for which they are responsible complies with the DPA. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.

2. Describing the information flows

Purpose

The implementation of CCTV within licensed vehicles will serve multiple purposes which ultimately will enable the prevention and detection of crime and promote a safe experience for both drivers and the travelling public

The purposes include:-

- The protection of licensed drivers
- The protection of the travelling public
- The protection of contracted support
- To ensure that licensed drivers continue to be 'fit and proper' in line with the licensing conditions

The protection of licensed drivers

CCTV footage would allow any review or hearing to consider the CCTV evidence and make a more informed assessment before reaching their decision.

Drivers work alone, often at antisocial hours, visiting areas that may be poorly lit or away from safe routes, and could be carrying any amount of cash within the taxi cab.

These factors could increase the risk posed to the driver. Violence against driver appear to have increased in general, not only in the Town Centre but in the surrounding areas of the borough and outside the district .

Evidence recorded on CCTV can be used to obtain information on various matters including

- Racial abuse and physical assaults of drivers
- Passengers making off without payment
- Investigation on inappropriate behaviour
- Rape allegations
- Investigation on passenger stealing property found in taxi

The protection of taxi passengers

Licensed vehicles are used extensively to service the late night economy, the period of which extends well beyond the availability of other forms of public transport. Patrons often have little choice but to use licensed vehicles. Some customers may be vulnerable if they have consumed excessive amounts of alcohol, and or, become separated from their friends. Licensed vehicles are often the only option for vulnerable people who have no direct transport links, or who have special transportation requirements.

Without the benefit of CCTV an example of risks identified are evident in the following case studies:-

1. Police often have insufficient information to take a prosecution.
2. Victims do not receive appropriate restitution.
3. Drivers may continue to trade for extended periods; whilst any appeal is determined, potentially placing other vulnerable people at risk.
4. Lack of evidence to effectively deal with the first instance meant the driver was still able to trade, which resulted in a second unrelated allegation of a serious sexual assault (see below case study 1).
5. The availability of a more robust evidence base would have, in all likelihood secured a more timely resolution in both cases

Case studies

2.9 Incidents recorded to the licensing office in Worthing:

Case 1: Hackney Carriage vehicle stolen from the rank after drunk passengers were being dealt with by the driver

Case 2: Driver assaulted and robbed insufficient evidence no arrests were made and the vehicle is now installed with CCTV

Case 3: Driver and vehicle assault by a passenger who was behaving normally when his attitude suddenly changed and he started to punch out at the driver and windscreen. CCTV footage showed the attack on the driver but due to no sound recording it was difficult to prove the attack on the vehicle. Driver received £200 compensation.

Case 4: Driver threatened with a knife mobile phone taken. Arrest made no further detail.

Incidents outside of the district:

Case 1: Driver attacked with a samurai sword held to the throat passenger fled after stealing takings and car keys. Attackers identified from CCTV on an adjoining building. CCTV has now been installed in the vehicle

Case 2: Driver accused of sexual assault CCTV footage established false allegation and no offence was committed by the driver..

Case 3: Driver assaulted by female passengers then followed and attacked again by the male passenger, CCTV with no sound was installed within the vehicle and recorded the incident. All 3 offenders were found guilty of the offences.

Case 4. Vehicle collision resulted in clarification to the insurance company that it was a non fault accident enabling the driver to continue to work.

The introduction of CCTV allows the Council with strategic partners to work with the trade, taxi marshals and street pastors to signpost people towards vehicles which operate to the highest standards of public safety. The availability of CCTV would increase the fear of sanction and reduce the likelihood of an incident occurring. In the event that a serious incident was to occur, or an allegation be made, then the availability of CCTV would enable an evidence based decision to be made, as to whether a crime has been committed, and increase the likelihood of securing an appropriate sanction.

Consultations

An alternative is to rely on existing controls to safeguard the public and to protect drivers and not to use CCTV.

Existing control measures include the requirement for Disclosure & Barring Service (DBS) checks for drivers upon application and then every three years. Incidents continue to be reported despite these DBS checks.

The DBS check provides a snapshot at that time of categories such as unspent convictions, depending on whether a basic or enhanced check is undertaken. If an incident occurs after a successful check has been undertaken, this would not necessarily be picked up unless the organisation requested another DBS check to be undertaken.

Where the Council receives a complaint or allegation, it currently has no option but to suspend the driver pending an investigation. The implementation of CCTV would provide the council with the means to have a quicker overview of any alleged incident.

What enforcement activity is there?

The Council's Licensing Team carry out periodic enforcement operations in conjunction with other partner agencies e.g. adjoining local authorities, the Road Policing unit. These enforcement operations include, vehicle maintenance checks, airport checks on vehicles, benefit fraud checks, unlicensed operations, misuse of red diesel and immigration

Existing operators and licensing trade

The service has spoken with other authorities who have systems in operation .The service has consulted with the trade, on the licensing policy, which includes the implementation of CCTV Policy and 34 responded to the policy, the feedback received was evaluated and was put forward to the licensing control committee A 26 September 2016 and are attached to this report as **Appendix B**

3. Identifying the privacy and related risks

Risks to individuals

- Inadequate disclosure controls increase the likelihood of information being shared inappropriately.
- The context in which information is used or disclosed can change over time, leading to it being used for different purposes without people's knowledge.
- New surveillance methods may be an unjustified intrusion on their privacy.
- Measures taken against individuals as a result of collecting information about them might be seen as intrusive.
- The sharing and merging of datasets can allow organisations to collect a much wider set of information than individuals might expect.
- Identifiers might be collected and linked which prevent people from using a service anonymously.
- Vulnerable people may be particularly concerned about the risks of identification or the disclosure of information.
- Collecting information and linking identifiers might mean that an organisation is no longer using information which is safely anonymised.
- Information which is collected and stored unnecessarily, or is not properly managed so that duplicate records are created, presents a greater security risk.
- If a retention period is not established information might be used for longer than necessary.
- Not recording at all times of a journey could impact on the comfort and safety of the passenger

Corporate risks

- Non-compliance with the DPA or other legislation can lead to sanctions, fines and reputational damage.
- Not recording and an incident occurring could have reputational damage and impact on internal and external investigations
- Problems which are only identified after the project has launched are more likely to require expensive fixes.

- The use of biometric information or potentially intrusive tracking technologies may cause increased concern and cause people to avoid engaging with the organisation.
- Information which is collected and stored unnecessarily, or is not properly managed so that duplicate records are created, is less useful to the business.
- Public distrust about how information is used can damage an organisation's reputation and lead to loss of business.
- Data losses which damage individuals could lead to claims for compensation.

Compliance risks

- Non-compliance with the Data Protection Act 1998.
- Non-compliance with human rights legislation.
- Non-compliance with the Privacy and Electronic Communications Regulations (PECR).
- Non-compliance with sector specific legislation or standards.

4 Identifying privacy solutions.

Privacy issue	Risk(s)	Solution(s)	Evaluation
Excessive recording of members of the public in the vehicle	<p>New surveillance methods may be an unjustified intrusion on their privacy.</p> <p>People may be concerned about the risks of identification or disclosure of information.</p> <p>Non-compliance with the DPA or other legislation can lead to sanctions, fines and reputational damage.</p> <p>Public distrust about how information is used can damage an organisation's reputation.</p>	<p>The system will automatically overwrite data after 30 days.</p> <p>Public are using a commercial vehicle which is used for public transport and would be expected to abide by the terms and conditions governing the use of the vehicle.</p> <p>Appropriate signage displayed advising of the use of CCTV.</p>	<p>The individual will be aware that they are using a commercial vehicle which is used for public transport and that they must abide by the terms and conditions governing the use of the vehicle. Signage will advise of the use of CCTV. The system to be installed is to protect the public and as such the recording of the data is not considered to be excessive.</p>
Intrusion from recording of members of the public outside the vehicle.	<p>New surveillance methods may be an unjustified intrusion on their privacy.</p>	<p>There will be limited collateral intrusion outside of the vehicle as the camera will be positioned accordingly.</p> <p>Signage will be displayed on the vehicle which will be visible from the outside.</p>	<p>The cameras will be installed in a way that ensures that there will be minimal 'over spill' outside of the vehicle. The risk is considered to be minimal. The measure is considered to be justified, compliant and proportionate on this basis..</p>
Intrusion of recording of taxi drivers whilst working.	<p>New surveillance methods may be an unjustified intrusion on their privacy.</p> <p>If a retention period is not</p>	<p>The system has been installed to protect drivers who are using a commercial vehicle.</p>	<p>Drivers are operating a commercial vehicle, which is used for public transport and must already abide by the terms and conditions of their licence. The data is encrypted and</p>

	<p>established information might be used for longer than necessary.</p> <p>Non-compliance with the DPA or other legislation. can lead to sanctions, fines and reputational damage</p>	<p>The driver should be operating the vehicle in accordance with the terms and conditions of the Licence.</p> <p>Data is encrypted.</p> <p>Data will only be accessed securely in the event of an incident by approved and restricted staff</p>	<p>will be overwritten after 30 days.</p> <p>The CCTV system is designed to help to protect the welfare and integrity of the drivers.</p>
Intrusion of taxi drivers whilst not working	<p>New surveillance methods may be an unjustified intrusion on their privacy.</p>	<p>A licensed vehicle remains a commercial vehicle, used for public transport 24 hours a day.</p> <p>Data is encrypted.</p> <p>Data will be overwritten after 30 days.</p>	<p>A licensed vehicle remains a commercial vehicle to be used for public transport 24 hours a day. The data is fully encrypted and data would only be accessed in the event of an incident. Only those images related to the incident will be accessed. All other data would be overwritten.</p> <p>There is no commercially available option to switch the system on and off as this would leave it open to abuse, which would result in uncontrollable risks</p>
Storage of data within the vehicle	<p>Should the data be accessed it will display video images of passengers and driver for the previous 30 days.</p> <p>Data could be accessed and/or destroyed illegally to inhibit prevention/detection of crime.</p> <p>Data losses which damage individuals could lead to claims for compensation.</p>	<p>The data is stored within a secure unit.</p> <p>The data is encrypted</p>	<p>The data is stored within a secure, encrypted device, that only an appropriate and authorised licensee can access via the CCTV provider where there is a clear and defined purpose</p>
Disposal of data	<p>Unsecure disposal of data could lead to a DPA Breach.</p> <p>If a retention period is not established information might be used for longer than necessary.</p> <p>Non-compliance with the DPA or other legislation can lead to sanctions, fines and reputational</p>	<p>Data will be automatically overwritten after 30 days.</p> <p>Any data accessed and stored for the purposes of detecting crime and disorder will be kept in accordance with existing policies of retention.</p>	<p>The Council and the service have appropriate data retention policies in place. Any data that has not been accessed for the purposes of detecting crime and disorder will be automatically be overwritten within 30 days.</p>

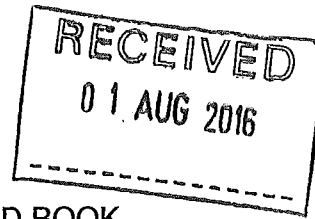
	damage.		
Wilful destruction of The data/unlawful access.	<p>Inadequate disclosure controls increase the likelihood of information being shared inappropriately. Wilful destruction may prevent the detection of Crime.</p> <p>Data not stored or disposed of in line with the Data Protection Act 1998</p> <p>Non-compliance with the DPA or other legislation can lead to sanctions, fines and reputational damage.</p>	<p>The data is held securely and cannot be accessed directly by the driver. Action can be taken under the conditions of the licence in the event that anyone attempts to interfere with the system.</p> <p>The council has disciplinary arrangements in the event of any misconduct by a licensee of member or member of staff</p>	<p>The system is held securely and the data is encrypted. Action can be taken under the terms and conditions of the licence.</p>

Background papers

[ICO : A data protection code of practice for surveillance cameras and personal information \(2015\)](#)

[ICO Conducting privacy impact assessments code of practice \(2014\)](#)

[SCC : Surveillance Camera Code of Practice \(2013\)](#)



HACKNEY AND PRIVATE HIRE NEW PROPOSED HAND BOOK

HACKNEY TRADE DRIVERS OBJECTION LIST (as advised by the licensing office)

Hackney trade drivers objections to accompany all previously submitted rejection letters to make any changes to the current hand book .

Hackney trade drivers complete rejection of all the proposed points system as it undermines the integrity and operation of the profession.

APPENDIX A

page 17 1 1.1 b,

SEATING : 16 INCHES: no seat in any car is at its narrowest point 16 inches, please can this be clarified ?

page 17 1 1.1 d,

ENGINE SIZE : electric hybrid cars are the green and more efficient, many of which are less than 1600cc and there are more efficient cars are about and a 1400cc car is just as powerful as the 1600cc counter parts.

page 17 1.4 a,

SEATs : Distance between driver and rear passenger seat : The driver must be comfortable in order to operate there vehical in a safe manor without discrimination to there height or size, leg room can be easily accommodated by way of sliding the seat back or forth and has been used for many years without any problems.

page 18 2 2.1

AGE OF VEHICLE :

Hackney vehicles should remain when first joining the rank the minimum age of 3 years due to the high standard of the fleet.

If a vehicle is allowed to be as old as 7 years when joining the rank those high standards may be jeopardised, it should only be up to 7 years if an existing hackney driver needs to replace his or her own vehicle already licensed on taxi rank, in the event of an accident to be able to replace same that taxi to minimise any heavy financial loss to the driver and to continue working.

2.2

MAXIMUM AGE : Wheelchair accessible vehicles should be extended to 15 years from 10 years the current age limit, due to the higher expense involved in the purchase of a vehicle of this type that can cost about £30k new and would encourage more drivers to purchase them.

2.3

More clarification is needed



3.4 More clarification is needed

4 ROOF SIGNS : Signs that are too large and not aerodynamic can be less fuel efficient and add more cost to the independent driver.

4.1 LOGO : Working logo sign is 13cm x 13cm, who pays for this and has any one check the size portion in relation to roof sign.

f, letter size questionable ?

g,h, i letter size questionable and why "flute" lettering ?

page 20 5 5.1

DOOR SIGNAGE : What about independent taxi drivers that do not want their telephone number displayed for personal or safety reasons.

page 20 7 a,b,c

CCTV : Video monitoring should be allowed to ensure the driver can see the system is fully operational as the driver has no access to the system, monitoring customer safety it also acts as visual deterrent .

Sound should be allowed for a number of reasons, where the customer can be abusive and make threats towards the driver and with no sound can appear to be seen sitting quietly and the driver has no recourse in the event of any complaints made against them.

page 223 9 9.2

LUGGAGE AND STORAGE : Restraints for luggage ? is this really necessary, as most modern vehicles are of such design where the item being carried would not move.

page 24 13 15.1

PRE BOOKED FAIRS FOR HACKNEYS : it's near impossible for an independent driver to be able to take a shared booking from the taxi rank and notify the taxi office within 24 hours when the office is closed over the weekend (includes) 15.2 + 15.3

page 25 18 18.1 c,

CCTV INSTALLATION : why 24 hours and what about bank holidays ? would it not be more sensible to have a time frame of 72 hours or more to allow drivers to produce cctv footage as requested.

page 25 19 19.2 a,

DISABLE ACCESS : the vehicle should already meet the licensing standard before being licensed.

page 26 19 19.5



·DISABLE ACCESS : support , what will be the maximum weight of any person plus wheelchair and assistant on a ramp.
includes Appendix C + D

31 7.2 b,

FAIR : return items , any amount not greater then £5 ? could this not be, a fair charged from the nearest taxi rank to location that would be more appropriate for lost or returned items.

31 8 8.1

BYLAWS: these should be included, especially where there are fine s involved.

33 2 2.1

APPENDIX E PRIVATE HIRE : why is any person or private hire operator exempt from any of the rules, this would discriminate and the rules are there for everyone to abide by.

To be attached to objection letters already submitted by the drivers of the hackney trade for the points submitted above.

If the driver agrees to the above points to be attached to his or her previously submitted objection letter then please sign below

BADGE NUMBER
DATE

SIGNATURE

^

Re: Adur and Worthing Handbook proposal

1 message

19 July 2016 at 11:55


To: Teresa Bowley <teresa.bowley@adur-worthing.gov.uk>

Hello Teresa,

I have read through the proposed regulations and have a few thoughts as follows;

I think making it compulsory to NOT allow monitors (screen in vehicle), is a bad idea as from experience over the years most councils, if anything, recommend to have a viewing screen fitted and a lot of drivers prefer to have this as it is a good deterrent. However to find some common ground maybe state in regulations that if a viewing monitor is fitted it should have an independent switch fitted which will enable the driver to switch the monitor on and off upon request from customer, that way we have the best of both worlds and it keeps the customer and driver happy.

Audio; this is a very important key factor for CCTV as again from years of experience working in line within various other councils it is a hugely beneficial component to have. Time and time again we have had incidents that have been verbal abuse usually at the driver from, for example a drunken passenger or even racial abuse, sexual abuse etc, and nothing could have been resolved as there was no audio so these people get away with it. Ideally therefore should be decided by the drivers themselves individually whether they should have audio or not.

With the system we provide it is completely tamper proof as the images/ recording and audio are held on SD cards, which is fully encrypted and password protected and also locked securely into the recording unit so they can only be accessed by ourselves.

A very important regulation that was brought in recently in the Brighton and Hove regulations is that ONLY a 3rd party independent company like ourselves can be data controller of the CCTV system. As in past years an individual driver could become their own data controller, but this had obviously caused issues as there is always a possibility of tampering of footage and unnecessary viewing of captured pictures and footage recorded by said individual.

Also I would strongly recommend that the CCTV does NOT have an independent kill switch, so it will permanently be recording the whole time the vehicle is on, so it would be wired up to an ignition supply. There are many reasons why this is important for example; having a kill switch drivers 'forget' to switch the CCTV system on. Having it wired to the ignition ensures that the CCTV will always be recording whilst a customer is in the vehicle. Time and time again we have had a CCTV footage request from various councils wanting to view a particular incident that has been reported by a member of public and then when the driver has come in for the download, there is no images recorded as the CCTV wasn't switched on.

Another key point is to ensure the CCTV footage records for a certain period of time I would recommend a minimum of 14 days, most popular regulations state 28 days recording time. Again this is beneficial for a number of reasons. Customer complaints mainly where the incident has occurred a few weeks prior to the request day of footage, so this will ensure the footage will still be held on the recording system without being overwritten.

I would also strongly recommend that the CCTV system fitted to the vehicles should be either an SD Card system or an SSD (solid state drive) system, as proven in recent years they are a lot more reliable than a hard drive system, reason being there are no moving parts in an SD card system, where as a hard drive system has a hard disk that is constantly running (like a CD) now this can go faulty time and time again and corrupt the drive which will cause loss of all images, as they are not really designed for working in a moving vehicle. This is because when a vehicle is moving, it is constantly vibrating and even bouncing to an extent which will cause the disk to scratch which will result in recording failure.

I hope this information will help you as we are always here to help and give advise as we have years of experience regarding this subject.

Please don't hesitate to give me a call or drop me an email if you require any advice at all as I am happy to help and assist where I can.

Please find attached a copy of our price list for purchase and hire of CCTV equipment as promised.

Many Thanks


Radio Relay


On 19/07/2016 09:43, Teresa Bowley wrote:

Hi [REDACTED]

It was good to chat with you this morning, I have attached the handbook for Worthing the Adur handbook is mirrored on the parts that you would be interested in.

The consultation ends on the 1st August and it is anticipated to be before the licensing committees in September 2016 for a final decision.

Look forward to receiving your response and I will keep informed of the consultation and the decision

kind regards

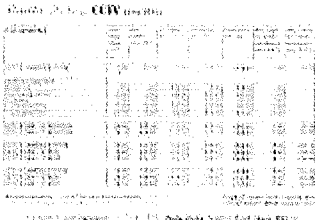
Teresa

--

Teresa Bowley | Licensing Officer | Adur & Worthing Councils
01273 263146

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This email and any attachments are confidential and intended solely for the persons addressed. If it has come to you in error please send it back to us, and immediately and permanently delete it. Do not use, copy or disclose the information contained in this message or in any attachment. Whilst every care has been taken to check this e-mail for viruses, it is your responsibility to carry out checks upon receipt.



CCTV price list.jpeg
209K

Radio Relay CCTV (July 2016)

EQUIPMENT							
	Hire: £/wk (excl. VAT)	Hire: £/month (incl. VAT)	Purchase (excl. VAT)	Installation (excl. VAT)	Fitted price (inc. vat)	Hire: £/wk Inc. initial installation (excl. VAT)	Hire: £/month incl initial installation (incl. VAT)
CCTV 2 CAMERA SYSTEM	£3.99	£20.75	£330.00	£65.00	£474.00	£5.00	£26.00
Additional Upgrades							
Microphone	N/A	N/A	£15.00	£0.00	£18.00	N/A	
Front Facing camera	£0.50	£2.60	£45.00	£10.00	£66.00	£0.80	
IR Camera	£0.50	£2.60	£70.00	£10.00	£96.00	£0.80	
5" LCD MONITOR	£0.50	£2.60	£45.00	£10.00	£66.00	£0.80	
7" LCD MONITOR	£0.75	£3.90	£60.00	£10.00	£84.00	£0.90	
CCTV 2 CAM + 5" MONITOR	£4.49	£23.35	£375.00	£75.00	£540.00	£5.80	£30.16
CCTV 2 CAM + 7" MONITOR	£4.74	£24.65	£390.00	£75.00	£558.00	£5.90	£30.68
CCTV 3 CAMERA SYSTEM	£4.49	£23.35	£400.00	£85.00	£582.00	£5.80	£30.16
CCTV 3 CAM + 5" MON	£4.99	£25.95	£445.00	£95.00	£648.00	£6.60	£34.32
CCTV 3 CAM + 7" MON	£5.24	£27.25	£460.00	£95.00	£666.00	£6.70	£34.84
CCTV 4 CAMERA SYSTEM	£4.99	£25.95	£470.00	£95.00	£678.00	£6.60	£34.32
CCTV 4 CAM + 5" MON	£5.49	£28.55	£515.00	£105.00	£744.00	£7.40	£38.48
CCTV 4 CAM + 7" MON	£5.74	£29.85	£530.00	£105.00	£762.00	£7.50	£39.00

Non-hire customers - £10+VAT for each incident retrieval. Free to hire customers

Please note - Hired equipment is covered by our 24 hour backup service

Single SD System 32GB Capacity (Ideal for 1-2 cameras)

Twin SD System 128GB Capacity (recommend for 1-4 cameras)

Call now to book in your installation 01273 476456 - Radio Relay, Brighton Road, Lewes, BN7 3JL

27/7/2016



[REDACTED]
 [REDACTED] MARINE PARADE,
 WORTHING,
 WEST SUSSEX
 BN11 3PT

DEAR SIR/MADAME

REGARDING SECTION 7.1 ABOUT SOUND, WE CANNOT HAVE ACCESS TO THIS AND DUE TO CUSTOMERS WE HAVE TO DEAL WITH OFF THE STREET, SOME ARE VERBALLY VIOLATED AND THE POLICE REQUIRE AUDIO TO ~~PROVE~~ TAKE ACTION AGAINST THE PASSENGER, AND ALSO THE EUROPEAN REGULATIONS WILL NOT APPLY NOW WE ARE NOT IN THE E.U.

THERE HAS ALSO BEEN MENTION OF NO SCREEN IN THE FRONT BUT FOR A LARGE VEHICLE LIKE MINE WHEN THERE IS TROUBLE IN THE BACK IT IS HARD TO KEEP TURNING BACK WHILST DRIVING AND ALSO WHEN THE CUSTOMER IS PAYING IT HARD TO SEE THEM WHEN THEY ARE GETTING THE FARE TOGETHER AND IN THE NIGHT WITHOUT THE USE OF THE SCREEN IT WOULD BE IMPOSSIBLE AND ALSO THE SCREEN ACTS AS DETTERENT AS MANY TIMES I HEARD PASSENGERS SAY HE GOT CCTV.

THE FINAL POINT IS THE POINTS SYSTEM I THINK MOST COULD BE DEALT WITH A COMMON SENCE CHAT RATHER THAN A UNFAIR ³⁰ SYSTEM

PTB 7

WITHOUT THE RIGHT OF APPEAL.

RECEIVED
21 JUL 19
1105

I UNDERSTAND YOU NEED RULES BUT THE
THREE POINTS I WISH TO OBJECT TO AND
HOPE COMMON SENCE PREVAILS,

REGARDS

About the consultation RE: Handbook - Hackney & Private Hire.

1 message

21 June 2016 at 18:54

[REDACTED]
[REDACTED]
To: Taxi Licensing <taxi.licensing@adur-worthing.gov.uk>

Hi,

I received a letter concerning the consultation process and have not been able to access the link to see the draft issue online. However I wanted to add my opinion in case CCTV was to be included as a new requirement for all taxi/private hire vehicles. I drive a hybrid vehicle (for Arrow) and would be concerned if CCTV were to be imposed as a new requirement as I fear this would place excessive demand on my hybrid battery and also be detrimental to my petrol consumption, not to mention the cost of installing the equipment. There is already demand on my energy supply from the PDA that I have to use in order to receive work from Arrow and do not see the necessity in Worthing for the use of CCTV as incidences with customers are fortunately fairly rare.

I just wanted to share my thoughts on this subject and hope this might contribute to any debate on any forthcoming change.

Regards,

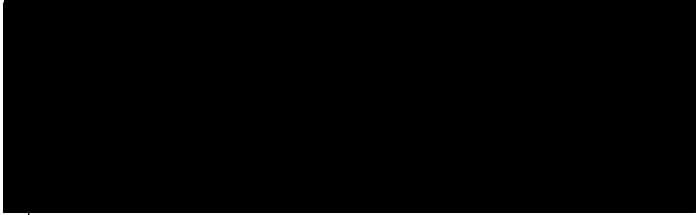
[REDACTED]

Worthing Hackney Carriage and Private Hire Handbook Consultation

Please provide as much information by using the titles as guidance

Name . 

Address..... Post Code.....

Page Number	Number point on page	Comment
		<p data-bbox="371 539 1476 719">Sound would also be beneficial attached to CCTV so as to avoid any confusion should there be any prosecution</p> 

CCTV in Taxis - conditions of use

Introduction

These guidelines set out to ensure that CCTV systems installed in Taxis and Private Hire Vehicles (PHVs) licensed by the Council are properly managed whilst being used to :

- prevent and detect crime
- and enhance the health, safety and security of both Taxi/PHV drivers and passengers
- assisting investigations

Vehicle owners, who may also be the driver and/or operator, installing CCTV systems must fully comply with the requirements set out in these guidelines.

For the purposes of these guidelines the term "CCTV system" will include any electronic recording device attached to the inside of vehicle having the technical capability of capturing and retaining visual images and audio recording from inside or external to the vehicle. In addition to the standard CCTV camera system these may include for example, such devices as events/incident/accident data recording devices.

General requirements

Any CCTV system to be fitted must, as a minimum, meet the requirements set out in this document. Only CCTV systems meeting these requirements and approved by the Council can be installed into licensed taxi and private hire vehicles.

All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

Privacy and Data Protection

The recording and storage of CCTV images is personal data and falls within the Data Protection Act 1998 (DPA). The DPA defines a "data controller" as the individual or organisation which has ultimate responsibility for how personal data is collected and processed.

For the purpose of the installation and operation of in-vehicle CCTV, the "data controller" is the company, organisation or individual which has decided to have a CCTV system installed and operating within the vehicle. The data controller will be responsible for processing and exercising control over personal information together with how images are stored and how they should be disclosed. Data controllers must ensure that any processing of personal data for which they are responsible complies with the 1988 Act. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals. Data controllers must register with the ICO and renew annually. Evidence of initial registration and annual renewal with the ICO may be requested by any council authorised officer.

<https://ico.org.uk/for-organisations/register/>

The data controller must ensure that operation of the CCTV complies with the 'CCTV Code of practice' published on the ICO web site

<https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>

Using a CCTV service provider

Where a service provider is used for the remote storage and/or management of CCTV data they will act as a 'data processor' (as defined under the Data Protection Act 1999). A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor. There must be a formal written contract between the data controller and data processor (service provider). The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements. Documentary evidence of the contractual arrangements may be required to be presented to a Council official at any time during the term of the vehicle licence.

Using recorded CCTV images

The data controller is responsible for complying with all relevant data protection legislation, as well as being legally responsible for the use of all images including any breaches of privacy and data protection legislation. Any images and/or audio recordings should only be used for these purposes:

- where a crime report has been made involving the specific vehicle and the Police have formally requested that data or,
- 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 request is received from an applicant e.g. police or social services, that has a legitimate requirement to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver.
- Subject Access Request compliant with the Data Protection Act 1998.

The data controller is responsible for responding to these requests in accordance within the Data Protection Act 1998.

CCTV Specification

- The equipment must be permanently wired to the vehicle power supply.
- The CCTV must be operational at all times
- The equipment to have a clear serial or other unique identification number.
- The equipment must not obstruct the driver's view of the road ahead.
- Images to be clear, date and time stamped, in colour and in high definition.
- There must be no facility to view recorded images from within the vehicle.
- The equipment should be removable from the vehicle when not working and not kept on permanent display.
- The equipment must be tamper proof.
- The equipment must have a built in battery backup.
- Adequately recording after dark.
- Recordings are only kept for 30 days and must be automatically deleted.
- All equipment shall be installed, maintained and serviced by a competent and/or authorised person.
- A simple operator user manual shall be provided on demand.
- All stored images to be protected with no unauthorised access and all images shall be encrypted.
- Any requested images shall be capable of viewing and playback using industry standard software. Upon a request being made by an officer of the Council or a Police officer, for access to the data recorded by the CCTV system, it must be available within 48 hours of the request being made.
- Clear and prominent signs within the vehicle notifying the public that is in use in the vehicle. The signs should giving details of the organisation/person/purpose and contact details.
- The camera(s) must record both forward and rear facing images.
- There must be a GPS tracking and positioning function together with integration with the vehicle electrics to determine, for example, vehicle speed.
- Vehicles exempt from having CCTV are Executive Vehicles as specified in Appendix G
- There must be no audio function or if an audio function is provided - this must be set in the default OFF position and only activated by trigger of a panic button function.







