

**TO: LICENSING AND SAFETY COMMITTEE
6 OCTOBER 2016**

**RESULTS OF CONSULTATION ON CONDITIONS TO CONTROL CCTV IN TAXIS
Chief Officer: Environment and Public Protection**

1 PURPOSE OF REPORT

- 1.1 This report brings to the attention of members the results of a public consultation carried out upon a proposal to introduce licence conditions to control the use of CCTV in hackney carriages and private hire vehicles within Bracknell Forest. Members are asked to consider the responses and agree the recommendation contained within this report.

2 RECOMMENDATION

- 2.1 **That the Committee agrees that the licence conditions attached as Annex F are adopted and applied to vehicle, driver and operator licences from 6 October 2016.**

3 REASONS FOR RECOMMENDATION

- 3.1 The use of CCTV within vehicles, both private and licensed, is increasing due to fears of public safety and crime. Recordings from such equipment can be very useful evidentially but they can also be misused to the detriment of those recorded. The Council has a duty to act in the interests of the public and their safety when issuing licences for taxis and there was a need to obtain the views of the general public and the taxi trade prior to making any decisions upon the control of CCTV within licensed vehicles.
- 3.2 It is clear from media articles that there are significant concerns regarding the misuse of recordings made by overt and covert CCTV. The responses to the consultation do reflect a strong desire for privacy and passengers do support the principle of controls to reduce the risk of data misuse. The proposed conditions enable legal action including the removal of CCTV or a licence when CCTV data is misused or handled without respect to a person's right to privacy.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The alternative option would be not to introduce conditions to control the use of CCTV in taxis.

5 SUPPORTING INFORMATION

- 5.1 Members of the Committee agreed a proposal at the meeting on 9 January 2016 for officers to draw up a set of licence conditions which would ensure that where CCTV was operating within a licensed vehicle that passengers were made aware of it. Additionally any data collected would be dealt with in accordance with the Protection of Freedom Act 2012 and the CCTV Code of Practice issued under that legislation.
- 5.2 Officers consulted on 1 February 2016 using the Council 'Have Your Say Portal' and this consultation closed on the 17 April 2016. An A5 sheet (see Annex A) was also given to licence holders who visited the Council Offices and was also posted with any

correspondence sent out. In addition an email was sent to the email addresses held by the Council for licensed drivers.

- 5.3 Attached as Annex B is a report detailing the responses received to the consultation and shows a breakdown of public and trade responses. Also attached as Annexes C, D and E are pivot reports upon the questions “Do you expect your recorded image to be viewed by”, “Do you believe it is necessary to introduce licence conditions to control the use of CCTV in taxis” and “Do you consider the proposed conditions strike the right balance between protection of privacy and the protection of individuals from crime”. These reports allow you to see how representatives of the trade and passengers responded to those questions.

- 5.4 The breakdown of 52 responses was as follows:

Taxi Driver	29	55%
Taxi Owner/Operator	9	17%
Passenger	14	27%

- 5.5 All the questions, except one, provided for a ‘yes’ or ‘no’ response with the option to make further comments. The results were as follows:

Question 1: Do you believe you have a right to privacy when using taxis?

Yes	47	90%
No	5	10%
Comments	8	

Officer comment: There is a strong expectation of privacy when using a taxi.

Question 2: Would you use a taxi if you knew it had CCTV installed?

Yes	8	15%
No	6	11%
No response	38	73%
Comments	11	

Officer comment: The fact that it is known that CCTV is fitted within a taxi would not appear to be a concern to the use of that vehicle.

Question 3: When using a taxi with CCTV do you expect both your image and your conversations to be recorded?

Yes	11	21%
No	41	79%
Comments	11	

Officer comments: There is a strong statement against the recording of both image and conversation.

Question 4: Do you expect your image to be viewed by?

The driver	7	11%
The taxi owner/operator	7	11%
Law enforcement bodies solely for the investigation of crime	22	37%
Other	25	41%
Comments	31	

Officer comment: There was a very strong indication that the viewing of CCTV images should be restricted to either law enforcement bodies solely for the investigation, of crime, 22, or nobody, 25. The viewing for the purposes of investigation of crime is a legal provision with safeguards in place for prosecution should those provisions be abused. See Annex C for profile.

Question 5: Do you believe it is necessary to introduce licence conditions to control the use of CCTV in taxis?

Yes	15	29%
No	37	71%
Comments	9	

Officer Comment: On this question there were 52 respondents and of those 37 said no. If you look at the respondent profile of those 37 'no' responses 31 were made by the members of the trade and 6 from passengers. See Annex D for profile.

From an examination of the nine comments submitted there appears to be a belief in some that the purpose of the consultation is to require the compulsory installation of CCTV in taxis and the strong no vote may reflect that misunderstanding.

Question 6: Do you consider the proposed conditions strike the right balance between protecting privacy and the protection of individuals from crime?

Yes	18	35%
No	34	65%
Comments	7	

Officer comment: Given the previous statements for support for privacy, not recording image and conversation alongside restricting access to the data, which these conditions are intended to deliver, the answers can be seen as inconsistent and probably answered from a misunderstanding of the intention in the consultation. See Annex E for profile.

- 5.6 As with question 5 there was a very strong 'no' vote by the trade to the question - 30 out of 38. The passenger group however was stronger on the 'yes' side - 10 out of 14. Looking at the comments again it would appear that those comments from the trade were concerned about the imposition of CCTV within taxis which may reflect the negative response rather than reflect the actual content of the conditions.
- 5.7 It was not possible to clarify the responses made as none of the contributors provided us with a contact point to enable us to discuss their responses further. There has been a strong response from both trade and passenger that there is an expectation of privacy when being transported within a taxi and that video and conversation should not be recorded together. In addition there was a strong statement that any viewing of recordings should be restricted to either law enforcement bodies or no-one. It was decided that, due to the strong negative response by the trade probably based on a misconception that CCTV was being forced upon them, that we would consult again with the trade, making it very clear that installation of CCTV was voluntary, not compulsory. Attached as Annex G is an email to the trade and the copies of the 3 responses received.
- 5.8 The proposed Policy reflects the responses and comments made. The primary purpose of the proposed conditions attached as Annex F are to protect privacy through restricting how data can be collected, what can be collected, how it should be managed and what can be released and viewed. The conditions do not require CCTV to be installed in a licensed vehicle but if an owner wishes to install one then for the protection of passengers and drivers that CCTV must be overt and any data collected handled in a manner that respects the privacy of an individual and is in accordance with the CCTV Code of Practice.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The legal provisions are identified within this report.

Borough Treasurer

- 6.2 There are no significant financial implications contained within this report.

Equalities Impact Assessment

- 6.3 No equality issues have identified.

Strategic Risk Management Issues

- 6.4 No strategic management issues have been identified.

Other Officers

- 6.5 None

7 CONSULTATION

Principal Groups Consulted

- 7.1 The general public and the taxi trade

Method of Consultation

- 7.2 Consultation was carried out firstly through the Council “have your say” portal. Additionally the taxi trade was targeted through known email addresses and posters were displayed within the public area of customer service within Time Square.

Representations Received

- 7.3 The details of the responses received are contained within the annex’s attached to this report

Background Papers

Protection of Freedom Act 2012
Surveillance Camera Code of Practice 2013.
Information Commissioners Office - CCTV Code of Practice 2015.

Contact for further information

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