

CITY OF
WOLVERHAMPTON
COUNCIL

Regulatory Committee

9 June 2021

Report title	Taxi CCTV Policy	
Wards affected	All	
Accountable director	Ross Cook, Director for City Housing and Environment	
Originating service	Licensing	
Accountable employee	Greg Bickerdike Tel Email	Licensing Manager 01902 554030 Greg.Bickerdike@wolverhampton.gov.uk
Report to be/has been considered by	N/A	

Recommendation for decision:

The Regulatory Committee is recommended to:

1. Approve the Taxi CCTV Policy.

Recommendation for noting:

The Regulatory Committee is asked to note:

1. The updated Data Protection Impact Assessment.

1.0 Purpose

- 1.1 To update the committee on the outcome of the consultation on the Taxi CCTV Policy, which will permit the voluntary operation of CCTV within taxis licensed by City of Wolverhampton Council.

2.0 Background

- 2.1 On 8 July 2020, the Committee approved a full public consultation on surveillance cameras in licensed hackney carriages and private hire vehicles. Committee were advised on 9 September 2020 that this was to be included in the consultation on the changes required to comply with the Department for Transport's 'Statutory Taxi & Private Hire Vehicle Standards', published on 21 July 2020.
- 2.2 The consultation on mandatory CCTV ran from 16 October 2020 until 8 January 2021. Less than half of respondents (49.22%) to the online consultation were in favour of mandating the installation of this system.
- 2.3 On 20 January 2021, the Committee approved a six-week consultation into a voluntary CCTV scheme in licensed vehicles, as an alternative and more proportionate crime deterrent, without placing a disproportionate financial burden on licence holders during the coronavirus pandemic.
- 2.4 The consultation on voluntary CCTV ran from 8 March 2021 - 18 Apr 2021.

3.0 Feedback

- 3.1 135 responses were received, of which 3 objections (2.2%) were received, with 132 (97.8%) in support or not objecting.
- 3.2 One respondent requested clarification on whether drivers would be required to operate the CCTV system at all times. The council does not seek to dictate when CCTV should be in use and understands that drivers may wish to disable recording when using the vehicle for personal use. However, drivers who are not the proprietors should check with the vehicle licence holder as to the circumstances in which they can disable recording. For example, a vehicle leasing company may require CCTV to be in operation at all times the vehicle is being used.

4.0 Objections

- 4.1 One respondent objected to the policy but did not provide any reasoning.
- 4.2 One respondent requested that audio recording be permitted, however the level of crime involving taxis licensed by Wolverhampton is relatively low and as such, audio recording cannot be justified against the risk of invading passengers' privacy. Therefore, a policy which has prohibited audio recording remains.

4.3 One respondent requested that the Council be the Data Controller, rather than the vehicle licence holder. This has been rejected on the grounds that the system is voluntarily purchased and operated by vehicle licence holders, not by the Council.

4.4 **Dashcams**

4.5 One respondent requested clarification on the current requirements by the Information Commissioner's Office (ICO) of drivers who have external facing cameras, also known as dashcams, installed in their vehicle.

4.6 Whilst this was not initially in scope of the policy, research into the use of dashcams has revealed that domestic use of dashcams is exempt from data protection laws. However, using dashcams for non-domestic purposes requires ICO registration. Using a taxi for hire and reward is a work purpose, so the policy's scope now includes external facing cameras.

5.0 **Condition of licence**

5.1 One respondent identified that the creation of a vehicle licence condition specifying compliance with the Taxi CCTV Policy was unnecessary; as such this will not be a condition of licence, however a breach of the Taxi CCTV Policy by a licence holder may result in their licence being reviewed for misconduct.

6.0 **References to Guidance Issued by the Information Commissioner's Office and Surveillance Camera Commissioner**

6.1 References to specific guidance documents have been removed, to improve the continued relevance of the policy. The policy outlines licence holders' obligations to comply with all guidance issued by the ICO and Surveillance Camera Commissioner (SCC). As guidance is replaced and updated, the policy will continue to be relevant without reference to out of date documentation.

7.0 **Information Governance Feedback**

7.1 The Council's Information Governance team responded to the consultation and asked for 'appropriate access controls' to limit data access as a policy measure.

7.2 As the United Kingdom is no longer a member of the European Union, references to General Data Protection Regulations (GDPR) have been renamed to UK GDPR.

8.0 **Policy and Data Protection Impact Assessment**

8.1 The Taxi CCTV Policy (Appendix 1) and Data Protection Impact Assessment (DPIA) (Appendix 2) have been updated to reflect the consultation feedback.

9.0 Next Steps

- 9.1 Should the policy be approved, the Vehicle Licence Requirements Policy will be updated and all vehicle licence holders will be emailed to advise of the change. It will also be included in the next issue of the Taxi Licensing Newsletter.

10.0 Financial implications

- 10.1 There are no financial implications.

[SB/24052021/O]

11.0 Legal implications

- 11.1 The Department for Transport's 'Statutory taxi and private hire vehicle standards' recommended consulting on CCTV. The ICO and SCC have given the strongest possible advice that mandatory CCTV is very difficult for licensing authorities to justify.
- 11.2 The outcome of the Council's consultation on CCTV in taxis indicated that a mandatory requirement for CCTV would not be proportionate. As such, CCTV is not required by Licensing Services; however this policy outlines the requirements for those wishing to voluntarily install CCTV.
- 11.3 This policy has been produced in consideration of The Data Protection Act (2018), UK General Data Protection Regulations (UK GDPR) and Article 8 of the European Convention on Human Rights. The policy has regard to The Local Government Association's 'Developing an approach to mandatory CCTV in taxis and PHVs'.
- 11.4 Vehicle licence holders who choose to install CCTV must comply with any relevant guidance issued by the SCC and ICO, as well as being able to evidence continuous registration with the ICO throughout the lifetime of their licence.
- 11.5 Clearly visible and readable signage advising of the system and the Data Controller's contact details, including ICO registration number, must be displayed in the vehicle. Data must be stored securely, with access controls to prevent unauthorised access and only shared when lawful.

[SH/20052021/A]

12.0 Equalities implications

- 12.1 It has been identified that people with sensory impairments may need extra support in identifying that CCTV recording is in place and the policy reflects drivers' obligations to inform their customers with these disabilities.

13.0 Climate control implications

- 13.1 There are no direct climate control implications.

14.0 All other Implications

14.1 There are no other direct implications.

15.0 Schedule of background papers

15.1 Surveillance Cameras in Private Hire and Hackney Carriage Vehicles - Non-Statutory Licensing Committee - 8 July 2020

15.2 Statutory Taxi & Private Hire Vehicle Standards - Non-Statutory Licensing Committee - 9 September 2020

15.3 Statutory Taxi & Private Hire Vehicle Standards Consultations Response and Recommendations - Non-Statutory Licensing Committee – 20 January 2021

15.4 Vehicle Licence Requirements Policy - 17 March 2021 - Non-Statutory Licensing Committee

16.0 Appendices

16.1 Appendix 1: Taxi CCTV Policy

16.2 Appendix 2: Taxi CCTV Policy Data Protection Impact Assessment