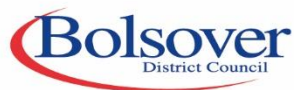




North East
Derbyshire
District Council

DRAFT
Taxi Licensing Policy:
Hackney Carriages & Private
Hire Vehicles (CCTV
Supplement)

TBC



North East
Derbyshire
District Council

We speak your language

Polish

Mówimy Twoim językiem

French

Nous parlons votre langue

Spanish

Hablamos su idioma

Slovak

Rozprávame Vaším jazykom

Chinese

我们会说你的语言

If you require this publication
in **large print**

or another format please call:

Bolsover District Council on

01246 242424 or

North East Derbyshire District

Council on **01246 231111**

CONTROL SHEET FOR [policy title here]

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Taxi Licensing Policy: Hackney Carriages & Private Hire Vehicles (CCTV supplement)
Current status – i.e. first draft, version 2 or final version	1 st Draft
Policy author (post title only)	Solicitor
Location of policy (whilst in development)	S drive
Relevant Cabinet Member (if applicable)	Cllr Dale
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	
Final policy approval route i.e. Cabinet/ Council	Council
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Performance & Communications (to include on Extranet and Internet if applicable to the public)	

RECOMMENDED STRUCTURE OF POLICY

1. Introduction

1.1 **BACKGROUND**

North East Derbyshire District Council has a responsibility for licensing hackney carriages and private hire vehicles, drivers and operators within the district of North East Derbyshire.

NB. Any reference in this Policy to notifying, informing or otherwise contacting the Council means contacting the Council's Licensing Section.

Unless otherwise stated, where the term "Taxi" is used in this Policy it is a generic term including hackney carriages and private hire vehicles (which retain their specific meanings set out in the Glossary of Terms below).

1.2 **ROLE OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside "normal" hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties.

1.3 **BEST PRACTICE GUIDANCE**

The Department for Transport's Guidance 2010 considered views about what constitutes "Best or Good Practice" in terms of hackney carriage and private hire licensing. The Best Practice Guidance has, therefore, been used as an aid in shaping this policy. Regard has also been had to best practice learned from other local authorities. The Statutory Taxi & Private Hire Vehicle Standards 2020 replace certain sections of the Best Practice Guidance 2010, and where there is a conflict between the two the Statutory Standards have been given precedence.

1.4 **CONSULTATION**

There are a number of groups and organisations that have an interest in the provision of hackney carriage and private hire vehicle services, including the trade itself, residents and enforcers, all of whom have views and concerns that require consideration. In drawing up this policy, the Council has consulted with the following -

This list is not definitive -

- Authorities who border North East Derbyshire District Council

- Derbyshire County Council
- Other departments within North East Derbyshire District Council
- Members of North East Derbyshire District Council
- The hackney carriage and private hire trade including all licensed operators within the district
- Parish Councils
- Derbyshire Constabulary
- Derbyshire Police & Crime Commissioner
- Chief Fire Officer for Derbyshire
- Derbyshire County Council Trading Standards
- Derbyshire County Council Transport
- Child Protection Services (Safeguarding)

1.5 POWERS AND DUTIES

This Policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 and other legislation under which the Council is the licensing authority for hackney carriage and private hire vehicles.

1.6 STATUS

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out above.

Notwithstanding the existence of this policy and any other relevant Council policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from its policy, reasons will be given for so doing.

1.7 PRIVACY LEGISLATION, GUIDANCE & CODES OF PRACTICE

In addition to the legal framework governing taxi licensing, and the guidance set out above, this policy also takes into account the:

- Surveillance Commissioners, Surveillance Camera Code of Practice.
<https://www.gov.uk/government/organisations/surveillance-camera-commissioner>
- Information Commissioners CCTV Code of Practice
<https://ico.org.uk/media/1542/cctv-code-of-practice.pdf>
- Protection of Freedoms Act 2012. (2012 Act)
<http://www.legislation.gov.uk/ukpga/2012/9/contents/enacted>
- Documents issued by the Home Office in October 2016 (revised 2018):
 - [Technical Guidance for Body Worn Video Devices](#)
 - [Safeguarding Body Worn Video Data](#)
- Requirements for processing personal data as set out in the General Data Protection [Regulation](#) (GDPR) and Data Protection [Act](#) 2018
- Right to privacy as set out in Article 8 of the European Convention on Human Rights

2. Scope

In setting out its policy North East Derbyshire District Council seeks to promote the protection of public health and safety and the establishment of a professional and respected hackney carriage and private hire trade.

The aim of this policy is to regulate the provision of CCTV in hackney carriages and private hire vehicles in order to promote the above objectives.

This policy is supplemental to the Policies on Hackney Carriages & Private Hire Vehicles and Hackney Carriage & Private Hire Drivers and amends relevant sections of those policies as set out in this document.

For the avoidance of doubt the provisions set out in this policy are subject to the Council's policy on Use of Overt Surveillance Systems and the Environmental Health and Licensing privacy statement on CCTV in Taxis.

3. Principles

The aim of licensing the hackney carriage and private hire vehicle trades is, primarily, to protect the public as well as to ensure that the public have reasonable access to hackney carriage and private hire services because of the local transport provision.

It is important that the Council's powers are used to ensure that hackney carriages and private hire vehicles in the district are safe and comfortable.

4. Statement

Appendices A and B of the Council's Licensing Policy: Hackney Carriages & Private Hire Vehicles are amended as set out in Appendices A and B of this document.

The effect of inserting these provisions will be to ensure:

- No vehicle will be licensed as a hackney carriage or private hire vehicle unless they have installed a system compliant with the Council's requirement.
- No system will be permitted that doesn't meet the technical requirements of the policy.
- Vehicle proprietors will be subject to licence conditions in respect of data security. This will help us demonstrate we are taking precautions as data controller to protect the security of the data stored in the vehicles.

Appendix C of the Council's Licensing Policy: Hackney Carriages & Private Hire Drivers is amended as set out in Appendix C of this document.

The effect of inserting these provisions will be to ensure that in addition to vehicle proprietors the individuals driving those vehicles (where not the proprietor themselves) are subject to equivalent data security obligations. Again this will help us demonstrate we are taking precautions as data controller to protect the security of the data stored in the vehicles.

The provisions will also ensure that any impact on the rights and interests of blind and partially sighted people are properly mitigated.

5. Responsibility for Implementation

Joint Head of Environmental Health
Licensing Team Leader

6. Glossary of terms (if applicable)

N/A

7. Appendices (if applicable)

APPENDIX A

Insert into Licensing Policy: Hackney Carriages & Private Hire Vehicles

4.1.8.

Security for drivers and passengers is a high priority. It is considered that CCTV cameras can be a valuable deterrent to criminal activity, enable the easier identification of suspects, provide valuable evidence when a crime is reported and protect a driver from unjustified complaints.

All vehicles licensed by this council must have a council approved CCTV system installed which must be in use whenever the vehicle is in use as a licensed vehicle for hire and reward purposes. For the purpose of this policy, CCTV relates to recording inside of the vehicle only. External facing cameras (“dash cams”) do not fall within this policy.

To ensure compliance with data protection legislation the Council is the Data Controller of the images captured. For those reasons, the Council has approved a set of specifications and will identify which available systems meet that criteria.

It is for the vehicle proprietor to decide which of the systems to install and the Council has no liability for the goods or services provided or any representations made by either of the parties in the negotiation, execution or performance of the contractual relationship.

The specifications are set out in Appendix C to this Policy.

APPENDIX B: VEHICLE LICENCE CONDITIONS AND CCTV SPECIFICATION

Insert into Licensing Policy: Hackney Carriages & Private Hire Vehicles

Appendix A:

33. CCTV

- At the time of fitting of any CCTV System it must be compliant with the specifications applicable at that time.***
- Any such equipment shall be fitted in such a way as not to present any danger or hazard.***
- The proprietor of the vehicle shall ensure that the system is properly maintained and serviced to ensure clear images are recorded. Any deliberate abuse or deliberate attempt to interfere with the legitimate use of the CCTV system will be considered a breach of licence, and shall be given due weight and regard when determining whether the driver/proprietor is a fit and proper person.***
- Appropriate signage must be clearly and prominently displayed inside the vehicle advising passengers that a CCTV system is in operation in the vehicle.***
- The installation of security measures such as a screen between driver and passengers, as a means of providing some protection for drivers is acceptable; however, where a screen has been fitted it must not prevent the CCTV system obtaining a clear and useable recording of the vehicle interior.***
- It will be the proprietors responsibility to comply with all aspects of the law regarding such surveillance equipment.***
- It shall be the vehicle proprietor's responsibility to ensure that the data, and the equipment on which it is recorded, remains secure at all times. Any breach of data protection law by the proprietor will be considered a serious breach of licence condition.***

Appendix C:

CCTV Specifications

1.0 Operational Specifications

Reference	Specification	Explanation
-----------	---------------	-------------

1.1	100% solid state design or a proven vibration and shock resistant system	The system should not have any fan and the recording should be vibration and shock proof, i.e.: <ul style="list-style-type: none"> - Flash-based SSD (100% industrial grade), - Hard disk with both mechanical anti-vibration and anti- shock mechanism and self-recovery and self-check file writing system.
1.2	8 to 15 Volts DC	Operational between 8 and 15 volts DC
1.3	Reverse polarity protected	System to be protected against reverse voltage.
1.4	Short circuit prevention	System to be protected against short circuits
1.5	Over voltage protection	System to be protected against high voltage transients likely to be encountered in the vehicle electrical system.
1.6	Automotive Electromagnetic Compatibility Requirements	<p>The in-vehicle taxi camera system must be compliant with the Council Directives:</p> <ul style="list-style-type: none"> - 2004/108/EC on Electromagnetic Compatibility (CISPR 22/EN55022), - 2004/104/EC on Radio Interference (sections 6.5, 6.6, 6.8 and 6.9) <p>The taxi camera equipment should therefore be e-marked or CE-marked with confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles.</p>
1.7	System activation (on / off) switch to be located in a position where it is not accessible from inside the vehicle (i.e. in the boot / engine compartment).	The system is required to be active at all times that the vehicle is being used as a licensed vehicle. This will allow the facility for the system to be deactivated during times when the vehicle is being used for private purposes (e.g. domestic use). The switch that deactivates the system must be located within the vehicles boot or engine compartment (i.e. it must only be possible to deactivate the system from outside of the vehicle).
1.8	First-in/first-out buffer recording principle	
1.9	Built-in, automatic logging of all access actions, including date and personnel names	
1.10	Security, duration and auto- clearing of log files	
1.11	Image export formats and media	Images must be exported in commercially available formats.
1.12	Image protection during power disruption	Images must be preserved in the event of loss of power. Battery back-up will not be permitted
1.13	Unit must operate without the ignition being turned on.	The Unit must have the ability to operate for at least 2 hours without power from the ignition.

1.14	Image and audio data shall be recorded and stored in a unit separate from the camera head.	
1.15	GPS capability	System must be compatible to allow for GPS capability.

1.16	The system must be capable of recording audio time synchronized to the recorded images.	
1.17	The system shall not record audio except when audio recording is activated by means of an approved trigger.	<p>The system should have the ability to start recording audio data by means of at least two trigger buttons (see also 1.26 below).</p> <p>One trigger button must be capable of being activated by the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The second activation of the trigger must result in the cessation of audio recording (e.g. a button could be pressed to begin audio recording, if the (i.e. the trigger, which could for example be a button, would be pressed to begin audio recording, pressing the button again would stop audio recording).</p> <p>The second trigger button must be capable of being activated by the passengers in the vehicle independently of the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The second activation of the trigger must result in the cessation of audio recording (i.e. the trigger, which could for example be a button, would be pressed to begin audio recording, pressing the button again would stop audio recording).</p> <p>Both audio activation triggers must be independent of each other – this means that audio recording can only be deactivated by means of the same trigger (driver or passenger) that was used to activate the audio recording.</p>
1.18	The audio playback, when triggered, shall be in 'real time' and synchronised with the images that are captured.	
1.19	Digital sampling of the audio signal must exceed 8KHz	

1.20	Digital resolution of the audio samples must exceed 10 bits.	
1.21	The audio microphone shall be integrated within the camera head.	
1.22	Audio data and image data must be stored together, not in separate files, and must be protected against unauthorised access or tampering.	
1.23	The system must support testing of the audio function for installation set-up and inspection purposes.	
1.24	The system must 'go to sleep' to reduce battery drain during prolonged idle time. It must be capable of immediate reactivation	
1.25	Images recorded by the system shall not be displayed within the vehicle.	
1.26	The system must have at least two emergency activation triggers (panic buttons).	One of the triggers / panic buttons must be capable of being operated by the driver – this must be independent of the audio recording activation switch. At least one other trigger / panic button must be capable of being operated by a passenger from any passenger seat in the vehicle. Once activated, this switch must trigger the recording of video and audio in accordance with section 6.1 below.
1.27	The system must include a visual indicator that will clearly show when audio recording is taking place. This indicator must be visible to all passengers within the vehicle.	This may take the form of an indicator LED built into the audio activation switch, or a remote LED that can clearly be seen by passengers.

2.0 Storage Capacity

Reference	Specification	Details
2.1	Minimum of fourteen days of recording capacity	The camera system must be capable of recording and storing a minimum of fourteen days of images of HD1 (720/288)

		size or better.
2.2	Images must be clear in all lighting conditions	System to provide clear images in bright sunshine, shade, dark and total darkness. Also, when strong back light is present.

3.0 Camera Head Technical Specification

Reference	Specification	Details
3.1	Camera installation non-obstructive	The camera and all system components shall be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.
3.2	Protected camera disconnect	The camera head shall be designed to disconnect for ease of removal and replacement by maintenance personnel.
3.3	Special tools for adjustment/removal	To prevent inappropriate interference only tools supplied to authorised fitters should be capable of carrying out adjustments or removal.
3.4	Field of view to capture all passengers in the vehicle	The lens of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must be of a style not to create a "fishbowl" effect.
3.5	Images must be clear	System to provide clear images in all lighting conditions and allow different skin tones to be detected
3.6	Compatible for use in vehicles with a partition (shield)	The camera system must be adaptable to provide clear images when a vehicle is equipped with a shield. This may be accomplished with the use of multiple camera heads.
3.7	Multiple cameras	The unit shall be capable of supporting up to four (4) cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose built vehicles.

4.0 Storage Device Technical Specification

Reference	Specification	Details
4.1	Impact and shock resistance	The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.
4.2	Controller in concealed location	The storage unit shall be concealed from view and effectively inaccessible except by authorised personnel.
4.3	Download port provision	The recorder shall be equipped with a communication port for downloading by authorised personnel.

4.4	Download port shall be located in an easily accessible location such as a glove compartment.	The recorder download port shall be located in the glove box if practicable, if not then in a location that does not require the removal of panels and is accessible.
4.5	Download port cable length (1 foot minimum)	Download port shall be at least one foot in length for ease of download.
4.6	Recorder to be securely affixed to the vehicle	
4.7	Log to register each user access	
4.8	Log to register camera system parameter modifications	
4.9	Log to register each image download session	
4.10	Log to register modification/manipulation of downloaded images	
4.11	Log to register exporting of downloaded images	
4.12	Log to register exporting of downloaded clips	
4.13	Log file protected against unauthorised access	
4.14	Time/date stamp	All stored images must be time and date stamped.
4.15	Vehicle ID number stamp	All stored images must have two fields for vehicle identification (VIN & number plate).
4.16	Controller non-modifiable ID code stamp	Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the controller that was used to record the image.
4.17	Controller (Storage Recorder)	Manufacturer to supply NEDDC with a supply of specialised tools to allow for removal of the controller and download of data when required.

5.0 Video and audio recording rate

Reference	Specification	Details
5.1	Video image recording on system activation (when audio is not activated).	The system shall record images at the rate of four images per second.
5.2	Video image recording when audio is activated.	The system shall record images at the rate of twenty five images per second during periods when audio recording is activated (either due to time requirement, or through activation by the driver trigger switch or passenger panic button).
5.3	When activated, audio recording must be in real time and synchronised with the video recording.	
5.4	System to continue to record images (and audio when applicable) when engine is off.	System must continue to record images (and audio when applicable) for 30 minutes after engine / ignition is switched off.

6.0 Specification for activation via driver or passenger trigger / panic buttons

Reference	Specification	Detail
6.1	<i>The activation of a trigger button must provide for overwrite- protected image storage when activated by driver or passenger.</i>	<i>The system must be fitted with at least two trigger buttons that once activated will trigger the protected recording of audio and video (see also 1.17 and 1.26 above).</i>
6.2	<i>Emergency image overwrite protection capability</i>	<i>Image sequences resulting from emergency activation shall be recorded in an area of memory which is protected from being overwritten</i>
6.3	<i>Overwrite protection capacity for at least 3 activations</i>	
6.4	<i>Overwrite protection self-clear on 96 hr timer</i>	

7.0 Downloading

Reference	Specification	Details
7.1	Time to download complete memory not to exceed 30 minutes	Time to download to be accomplished in 30 minutes or less.
7.2	Provision of necessary software, cables, security keys to NEDDC Licensing Team.	
7.3	Windows 10 compatible.	
7.4	Downloaded images stored in non-volatile media	

7.5	Downloaded images stored in secure format	
7.6	Verifiable image authenticity	Each image shall be stamped with controller ID and vehicle ID and be tamperproof.
7.7	Provision of technical support to NEDDC Licensing team when necessary.	To assist in accessing system in case of damage to the vehicle or to the system in case of accident within 1 hour during normal working hours and within 8 hours otherwise.
7.8	Wireless Download Prohibited	Unit must not allow for wireless downloads. Wireless diagnostic may be used. All wireless hardware to be disabled.
7.9	Filter the specific images for events and times for the approximate time of the crime or complaint alleged.	

8.0 Requirements in relation to System Information

Reference	Requirement	Details
8.1	Provision of service log sheet with each unit shipped	The unit manufacturer shall have a service log shipped with the unit. The manufacturer shall also enclose detailed instructions for the drivers with each unit shipped. An installation manual shall also be furnished to authorised installers and fleet operators.
8.2	Serial number indication on service log	The unit will be marked with a serial number
8.3	Installation date indication on service log	The provision for the installer to indicate the installation date
8.4	Provision of driver instruction card with each unit shipped	
8.5	Provision of installation manual to installers and fleet operators	
8.6	Clarity of operating instructions	The system shall be provided with clear and concise operation instructions which are written with due consideration to varying levels of literacy.
8.7	Installation by authorised agents	The unit shall be installed by manufacturer's authorised agents, or other installers approved by the council (subject to agreement with the manufacturer).
8.8	Provision of authorised agents list to NEDDC Licensing Team	The manufacturer shall provide a list of all authorised agents to NEDDC Licensing Team.
8.9	Documentation	The manufacturer must provide clear and concise operating instructions which are written in layman's terms. (Details on how the system records the images)
8.10	Image Protection	All captured images must be protected using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or equivalent.

9.0 System requirements in relation to Vehicle Inspection Facility – Inspections

Reference	Requirement	Details
9.1	Provision of system status/health indicator	The driver shall have an indicator showing when the system is operational and when there is a malfunction.
9.2	Mounting location of system status/health indicator to be seen by driver only	The indicators shall be mounted/installed for the driver's vision only. The indication system must be in accordance with section 9.3 and 9.4 below.
9.3	Additional indicator requirement	Where a system is fitted with an indicator to show that the system is on, this indicator shall be separate to those listed above or of a different colour to avoid any possible confusion on the part of the drivers using the system.
9.4	Designed / installed to be testable by NEDDC Licensing Team (or persons acting on behalf of the council – such as vehicle inspectors)	The system shall be designed and installed such that the system may be easily tested by NEDDC Licensing Team staff to ensure that all features are operating and that images are being recorded as prescribed.

10.0 General System Requirements

Reference	Requirement	Details
10.1	Vandal and tamper resistance	
10.2	Provision of statement of compliance	In addition to a formal test of all aspects of this requirement specification, a statement of compliance shall be provided and signed by an officer of the company.
10.3	Reliability in operational and environmental conditions	The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of taxis.
10.4	Programmability of image timing parameters	It shall be possible to change timing and parameters without the requirement to change components.
10.5	Training and Technical Support and Equipment	Manufacturer must provide NEDDC Licensing Team with a Training and Technical Manual. Supply a working unit to NEDDC Licensing for testing purposes.
10.6	Software and Hardware	Manufacturer to supply NEDDC Licensing Team with a supply of cables and software to be installed under the supervision of the council's authorised staff.
10.7	Agreement between the Camera Manufacturer and NEDDC	Agreement to allow NEDDC access to the relevant software from the manufacturer so that in the event the manufacturer goes out of business, council will be able to support the system.

APPENDIX C: Driver Obligations

Insert into Licensing Policy: Hackney Carriage & Private Hire Drivers

Appendix C – Licence Conditions

(Amend) 11. Vehicle Checks

Add “CCTV” to the list of vehicle systems that must be in legal working order.

(Insert) 12. CCTV System

At all times when the vehicle is under the control of a licensed driver it shall be the driver’s responsibility to ensure that the data, and the equipment on which it is recorded, remains secure at all times. Any breach of data protection law by the driver will be considered a serious breach of licence condition.

(Insert) 13. CCTV & Blind or Partially Sighted Passengers

Drivers must advise any blind or partially sighted passengers that there is CCTV recording in operation before commencing the journey. They must also advise such passengers of the location of controls for audio recording.