

ABERDEEN CITY COUNCIL

---

COMMITTEE: Licensing Committee  
DATE: 18 March 2014  
DIRECTOR: Angela Scott  
TITLE OF REPORT: CCTV – Taxis and Private Hire Cars  
REPORT NUMBER: CG/14/003

---

1. PURPOSE OF REPORT

To advise the Committee of recent developments towards CCTV in respect of taxis and private hire cars and to propose an appropriate legal and policy response.

2. RECOMMENDATION(S)

That the Committee:

- a. notes the draft policy on CCTV in taxis and private hire cars;
- b. instructs officers to write to the Information Commissioner's Office – Scotland (Data Protection), the Equality and Human Rights Commission – Scotland (Human Rights) and Police Scotland, Aberdeen City Division (Crime Prevention/Detection) to seek their views on the draft policy and thereafter report back; and
- c. agrees in principle to the proposed new CCTV licence conditions for taxi and private hire car licences.

3. FINANCIAL IMPLICATIONS

Installation of a CCTV system in vehicles would be voluntary and therefore be paid for by the licence holder or their insurer. There is no requirement for payment towards its costs by the licensing authority.

However, there is a cost to the licensing authority in that any such CCTV systems require to be checked and approved by an authorised officer of the licensing authority. Furthermore, there is potentially significant administration work in checking the notifications of new CCTV systems or amendments to existing systems. Enforcement may be necessary by authorised officers if licence holders do not comply with the requirements of the draft CCTV policy and licence conditions, if implemented.

#### 4. OTHER IMPLICATIONS

None.

#### 5. BACKGROUND/MAIN ISSUES

##### a. Decisions of the Information Commissioner in relation to Licensing Authority's Policies for CCTV in Taxis and Private Hire Cars

As a general principle the Information Commissioner recommends that the privacy of drivers and passengers is respected. Therefore, whilst it may be appropriate to use CCTV in taxis and private hire cars the licensing authority must be careful with regard to the extent it permits its use, particularly when where audio recording is involved.

“For CCTV equipment in taxis, the ICO (Information Commissioner's Office) advises that images should only be recorded where it is clearly justifiable.”

The Commissioner also stated that: “this ... sends a clear message to ... local authorities that they must properly consider all the legal obligations on them before requiring the installation of CCTV or similar equipment and that audio recording should be very much the exception, rather than the rule. Images should only be recorded where it is clearly justifiable.”

Furthermore, the Commissioner has provided useful enforcement rulings in respect of CCTV policies of licensing authorities in England.

For example, one such ruling advises that it is a breach of the Data Protection Act 1998 (“the 1998 Act”) to have a policy requiring the mandatory recording of passengers' and drivers' conversations in taxis or private hire cars.

These press releases and case rulings highlight that in the Commissioner's opinion it is contrary to the principles of the 1998 Act for a licensing authority *to make it mandatory* for all taxis and private hire vehicles to install CCTV equipment to constantly record images and the conversations of both drivers and passengers.

The Commissioner's reason for this view appears to be that recording all conversations would be disproportionate given the very low number of incidents occurring compared to the number of trouble free taxi journeys.

Accordingly, the policy proposed for the Committee must not require constant recording of audio (i.e. conversations).

For these reasons it is proposed that the Committee does not require CCTV to be installed in all taxis and private hire cars. Instead it may

only permit CCTV to be installed (whether externally and/or internally) in certain circumstances, provided the licence holder meets their obligations in respect of the Data Protection Act 1998.

Following informal consultation with the ICO in Scotland, it appears that it also may be possible to permit the recording of audio conversations/altercations) inside taxis and private hire cars, solely when an incident occurs.

The licensing authority has received requests from suppliers of CCTV products to approve the introduction of CCTV in taxis and private hire cars. It is possible to have CCTV systems that record inside or outside the vehicle only or both inside and outside. The different types of CCTV recording for taxis and private hire cars are considered as follows.

#### b. External Recording CCTV Systems

The purpose of introducing external CCTV is apparently to provide evidence in the event of an accident.

Suppliers advise that the camera would be mounted within the rear view mirror and would record events outside the front of the vehicle and there would be no audio recording. It has been explained that the recorded images would only be accessed in the event of an accident and that the relevant company would be responsible for the information as data controller. They acknowledge that there are legal implications in terms of the 1998 Act concerning their proposals.

The responsibility for protection of the recorded data would therefore be that of the relevant licence holder and would not be that of the licensing authority. Any policy and conditions, which may be implemented, should make this clear.

Whilst such obligation for processing would attach to the relevant data controller, the licensing authority has responsibility to ensure it does not condone inappropriate collection or processing of audio or visual recordings. Therefore, it is necessary for a policy and conditions to be put in place as a safeguard.

#### c. Internal Recording CCTV Systems

Although the initial enquiry was limited to the introduction of an external CCTV recording system for the purpose of accident event recording, some licence holders support the introduction of an internal CCTV system, on a case by case basis, as a safety measure to provide evidence in the event of any altercation with passengers. A supplier who offers CCTV systems that record internally, externally and both has been in contact by telephone.

The introduction of CCTV for recording inside the vehicle places a greater focus on the human rights and data protection issues. A principal aspect of this relates to the balance between the potential to protect the safety of the driver with the potential intrusion into passengers' privacy. Any internal recording of CCTV (whether visual and/or audio) requires to be assessed in terms of the licensing authority's duties under the Human Rights Act 1998 as well as the Data Protection Act 1998.

d. Suggested Licensing Authority Approach to CCTV Systems

It is recommended as part of the proposed policy that the Licensing Committee only permits CCTV systems (external and/or internal), provided the licence holder and/or possibly the Police are of the view that such a system is required for a legitimate purpose, such as crime prevention and detection, public or driver safety.

In the circumstances, it is proposed that the attached draft policy document (see Appendix 1) be approved to set out the licensing authority's position on CCTV in taxis and private hire cars and that this be supported by the proposed new conditions of licence (see Appendix 2) for both taxi and private hire car licences.

The proposed conditions of licence make it clear that the licensing authority is not the responsible data controller in respect of CCTV.

The draft policy would allow external recording for accident events only. It is suggested that internal CCTV may record video constantly but only record audio of specific altercations inside the vehicle by use of a 'panic button'. Constant audio recording is not permitted. It would be the responsibility of the licence holder and their employee drivers to only use the panic button when it is necessary to do so.

Before installing a CCTV system the holder must carry out the following preparatory procedures. They would be required to notify the licensing authority: a) of the type of recording to be carried out (e.g. specify external and/or internal and/or internal with panic button audio recording); b) of the technical specification of the system; c) of the person/company who is acting as the data controller; d) provide a copy of their data protection policy in respect of the processing and control of data recordings; and e) provided a copy of the registration of the CCTV system with the Information Commissioner.

It is anticipated that if a system is initially approved in this manner it may be installed. Once installed it would be necessary for the system to be checked and approved by an authorised officer of the licensing authority before it could be used.

e. Consultation

CCTV suppliers and some trade members approached the licensing authority with enquiries in respect of CCTV in taxis and private hire cars. The Taxi Consultation Group has twice discussed the matter and provided their opinion, at their meetings on 6 November 2012 and 4 March 2014. Officers also informally contacted the Information Commissioner's, Scotland office for their initial views on the topic.

i. Taxi Trade – (Taxi Representatives on the Taxi Consultation Group and telephone enquiries)

The taxi trade representatives on the TCG were of the opinion that external accident recording CCTV in taxis is appropriate. It apparently may be of assistance in reducing false insurance claims against drivers and may reduce their insurance premiums. Some licence holders assert that internal recording is necessary in the interest of their safety. The trade representatives do not wish CCTV to be made a mandatory licensing requirement.

ii. Suppliers (Taxi Insurers/CCTV Companies)

The insurers advise that taxi drivers are more likely than other road users to be subject to false insurance claims, including deliberate staged crashes. External CCTV accident recording would help to protect against such fraudulent claims.

One CCTV provider advised that he offers CCTV internal video and audio recording for the taxi trade. He also stated that his systems are compliant with the Data Protection Act 1998 as his company acts as Data Controller and strictly regulates access to the recordings.

Further official consultation with the suppliers would be useful to ascertain that the draft policy and conditions can work in practice.

iii. Information Commissioner's Office – Scotland

The Information Commissioner's Office in Edinburgh is the responsible authority for data protection matters in Scotland. Following informal discussions it appears that the draft policy and condition may meet with their approval.

However, in order to ensure compliance with data protection issues that arise from the draft policy and condition, it is recommended that the Committee requests an official response from the Information Commissioner.

iv. The Equality and Human Rights Commission – Scotland

It is proposed that the Committee officially consults the EHRC Office, Scotland (Glasgow) in respect of any Human Rights impact of the draft policy and proposed condition.

v. Police Scotland – Aberdeen City Division

It is also proposed that Police Scotland, Aberdeen City Division is consulted in relation to the policy and condition particularly in respect potential for prevention, detection and prosecution of crime with CCTV.

6. IMPACT

Equality and Human Rights Impact Assessment – An EHRIA was prepared and is attached at Appendix 3. Members should note that they are obliged to read the EHRIA and take it into account as part of their decision making process in relation to this report and its policy considerations.

In summary, it appears that CCTV in taxis will impact equally on all passengers. It will not disproportionately affect any of the equality strands.

It is noted that CCTV could be considered as a form of surveillance and/or a form of activity, which may have an impact in terms of Article 8 of the Human Rights Act 1998 (“the HRA 1998”), which is as follows: “Everyone has the right to respect for his private and family life, his home and correspondence”.

The Committee must ensure that its policies are legally compliant with all of the human rights contained in the HRA 1998, as Article 6 thereof states “It is unlawful for a public authority to act in a way that is incompatible with a Convention Right”.

This has the effect that the Committee must ensure its proposed policy is compliant with Article 8 of the Human Rights Act 1998.

Lawful interference of the rights is permitted, provided it is necessary. It appears interference with the Article 8 right would not be justifiable, in terms of a standard policy requirement or general presumption in favour of unregulated CCTV recording systems in taxis and private hire car. Accordingly, the Committee should not require all taxis and private hire cars to provide CCTV recording. Therefore, a general policy requiring CCTV is not recommended to the Committee.

Instead the introduction of a CCTV system should only be permitted at the request of the licence holder, under specific conditions and where it is necessary for legitimate purposes, e.g. the safety of the driver or

members of the public, insurance fraud, precaution against assault and/or for prevention, detection, and prosecution of crime.

Provided the above, or other legitimate purposes, are the basis of the policy, the Committee may permit the installation of CCTV systems by individual licence holders, their drivers, insurance and CCTV companies who must themselves ensure that they meet their legal requirements.

If these parties take the view that it is necessary for them to install CCTV to protect their rights they must consider and ensure the legal protection of the rights of others. The Committee may only permit CCTV if its policy and condition places safeguards to uphold such protection.

Corporate – To ensure that no enforcement action may be taken against Aberdeen City Council in respect of the proposed policy and conditions: a) by the Information Commissioner they must be compliant with the Data Protection Act 1998; and b) by the Equality and Human Rights Commission they must be compliant with the Human Rights Act 1998.

Public – CCTV may be of benefit to the public, taxi drivers and the Police Service of Scotland in terms of safety of the driver or members of the public, insurance fraud, assault and/or for prevention, detection, and prosecution of crime. There is also a potential for intrusion on passengers' and road users' as they will be recorded where they may have a reasonable expectation of some privacy, albeit they may be in a public place.

## 7. MANAGEMENT OF RISK

The Committee must ensure that its proposed policy is compliant with the Data Protection Act 1998 and that it takes no responsibility for the control and processing of data recorded by licence holders, their drivers or CCTV or insurance companies.

It is also necessary for the Committee to ensure that its proposed policy is compliant with the Human Rights Act 1998 to avoid enforcement by the Equality and Human Rights Commission.

## 8. BACKGROUND PAPERS

- The Data Protection Act 1998
- The Human Rights Act 1998
- The Information Commissioner's News release: 25 July 2012

9. REPORT AUTHOR DETAILS

Paul M Connolly  
Solicitor (Team 3, Litigation and Licensing)

Direct Dial: 01224 522357

Email: [pconnolly@aberdeencity.gov.uk](mailto:pconnolly@aberdeencity.gov.uk)



**Draft CCTV Policy – Taxi and Private Hire Cars**

External Accident Event Recording

The Licensing Committee may permit the installation and operation of CCTV in taxis and private hire cars in respect of external visual image recording. This may be permitted, only for legitimate purposes, e.g. accident event recording in relation to insurance claims and to assist the prevention, detection and prosecution of crime. External audio recording is not permitted.

Internal (Incident) Recording

The Licensing Committee may permit the installation and operation of CCTV in taxis and private hire cars in respect of internal image recording for legitimate purposes only. This may be permitted, e.g. for the purposes of recording incidents/altercations inside the taxi to assist driver/public safety, and/or the prevention, detection and prosecution of crime. Internal audio recording is not permitted except by use of a “panic button”, which may be used by the driver to record audio on the occurrence of an incident.

Internal and External Systems

Dual function CCTV systems may be permitted, provided they meet the necessary requirements, which are the same as those for specific internal or external systems.

Requirements to: a) Notify the Licensing Authority; and b) for a Data Protection Policy Approved by the Information Commissioner’s Office

It is noted that the Licensing Committee has imposed conditions of licence to support this policy. Breach of a condition of licence is a criminal offence, which on summary conviction may result in a monetary fine. Such breaches may be reported to the Police Service and may be subject to other sanctions under the Civic Government (Scotland) Act 1982, such as suspension of the licence.

The conditions require that the licence holder must notify the licensing authority in writing prior to the installation of a CCTV system. Such notification must provide details, as follows: a) of the type of recording to be carried out (e.g. specify external and/or internal and/or internal with panic button audio recording); b) of the technical specification of the system; c) of the person/company who is acting as the data controller; d) provide a copy of their data protection policy in respect of the processing and control of data recordings; and e) provided a copy of the registration of the CCTV system with the Information Commissioner. NB - If any of these details or documents changes the

licence holder must notify the authority forthwith and provide copies of the updates.

The licence holder shall ensure proper use of the CCTV system, which should be only as notified to the licensing authority and in terms of registration with the Information Commissioner.

#### Inspection and Approval of CCTV systems

Prior to use of a CCTV system it must be inspected and approved by an authorised officer of the licensing authority. The officer shall carry out an inspection for the purpose of determining whether or not it complies with the condition and policy.

The licence holder must be able to provide an authorised officer of the licensing authority with logs and/or other appropriate documentation with regard to the installation of the CCTV system.

#### Maintenance and Repair

The licence holder is liable for the maintenance and repair of the CCTV system and upon request must present the vehicle to an authorised officer if there is a question over the state of repair of the CCTV system.

The licence holder must be able provide an authorised officer of the licensing authority with logs and/or documentation with regard to the maintenance of the CCTV system.

#### Data Controller

Licence holders, insurers and CCTV companies should note that if they install CCTV in a taxi or private hire car they should actively undertake to understand and meet their legal obligations.

The licence holder is responsible for the CCTV system and any legal requirements pertaining to the operation thereof, including but not limited to legal requirements under the Data Protection Act 1998. This includes any such responsibilities as Data Controller.

It is recommended that licence holders seek their own independent legal advice on the Data Protection Act 1998. The licensing authority shall not provide any such advice.

For the avoidance of doubt, Aberdeen City Council, as the licensing authority is not the Data Controller in respect of CCTV systems installed by licence holders, their drivers or their insurers. The licensing authority neither recommends the installation of CCTV nor has responsibility for control of access to any images recorded by a taxi or private hire car licence holder or their insurer.

## Appendix 2

### Proposed Condition for inclusion in the Conditions Applicable to Taxi Licences

The licence holder may be permitted to install a Closed-Circuit Television (CCTV) system within the taxi for the purpose of external accident event recording and/or internal recording. Such CCTV shall only record visual images and not audio, unless an incident occurs within the vehicle when a 'panic button' may be pressed to record audio internally. Audio must not be recorded outside the vehicle.

The licence holder must notify the licensing authority in writing prior to installation of CCTV in the vehicle, as follows: a) of the type of recording to be carried out (e.g. specify external and/or internal and/or internal with panic button audio recording); b) of the technical specification of the system; c) of the person/company who is acting as the data controller; d) provide a copy of their data protection policy in respect of the processing and control of data recordings; and e) provided a copy of the registration of the CCTV system with the Information Commissioner. If any of these details or documents changes the licence holder must notify the authority forthwith.

Once the CCTV system is installed but prior to its operation, an authorised officer of the licensing authority shall carry out an inspection for the purpose of determining whether or not it complies with this condition and any associated policy requirements. The licence holder is liable for the maintenance and repair of the CCTV system and upon request must be able to provide the necessary logs and documentation with regard to installation and maintenance of the CCTV system.

The licence holder shall ensure proper use of the CCTV system, which should be only as notified to the licensing authority and in terms of registration with the Information Commissioner.

The licence holder is responsible for the CCTV system and any legal requirements pertaining to the operation thereof, including but not limited to legal requirements under the Data Protection Act 1998

### Proposed Condition for inclusion in the Conditions Applicable to Private Hire Car Licences

The licence holder may be permitted to install a Closed-Circuit Television (CCTV) system within the private hire car for the purpose of external accident event recording and/or internal recording. Such CCTV shall only record visual images and not audio, unless an incident occurs within the vehicle when a 'panic button' may be pressed to record audio internally. Audio must not be recorded outside the vehicle.

The licence holder must notify the licensing authority in writing prior to installation of CCTV in the vehicle, as follows: a) of the type of recording to be carried out (e.g. specify external and/or internal and/or internal with panic button audio recording); b) of the technical specification of the system; c) of the person/company who is acting as the data controller; d) provide a copy of their data protection policy in respect of the processing and control of data recordings; and e) provided a copy of the registration of the CCTV system with the Information Commissioner. If any of these details or documents changes the licence holder must notify the authority forthwith.

Once the CCTV system is installed but prior to its operation, an authorised officer of the licensing authority shall carry out an inspection for the purpose of determining whether or not it complies with this condition and any associated policy requirements. The licence holder is liable for the maintenance and repair of the CCTV system and upon request must be able to provide the necessary logs and documentation with regard to installation and maintenance of the CCTV system.

The licence holder shall ensure proper use of the CCTV system, which should be only as notified to the licensing authority and in terms of registration with the Information Commissioner.

The licence holder is responsible for CCTV systems and any legal requirements pertaining to the operation thereof, including but not limited to legal requirements under the Data Protection Act 1998.



## Equality and Human Rights Impact Assessment - the Form

There are separate guidance notes to accompany this form – “Equality and Human Rights Impact Assessment – the Guide.” Please use these guidance notes as you complete this form. Throughout the form, proposal should be understood broadly to include the full range of our activities and could refer to a decision, policy, strategy, plan, procedure, report or business case, embracing a range of different actions such as setting budgets, developing high level strategies and organisational practices such as internal restructuring. Essentially everything we do!

### STEP 1: Identify essential information

1. Committee Report No.

2. Name of proposal.

3. Officer(s) completing this form.

Name	Designation	Service	Directorate
Paul Connolly	Solicitor	Legal and Democratic	Corporate Governance

4. Date of Impact Assessment.

5. When is the proposal next due for review?

6. Committee Name.

7. Date the Committee is due to meet.

8. Identify the Lead Council Service and who else is involved in delivering this proposal (for example other Council services or partner agencies).

Litigation and Licensing (Team 3), Legal and Democratic Services and Fleet Services, Asset Management and Operations

9. Please summarise this Equality and Human Rights Impact Assessment (EHRIA). This must include any practical actions you intend to take or have taken to reduce, justify or remove any adverse negative impacts. This must also include a summary of how this proposal complies with the public sector equality duty for people with protected characteristics - see Step 2. Please return to this question after completing the EHRIA.

In summary, it appears that CCTV in taxis will impact equally on all passengers. It will not disproportionately affect any of the equality strands.

In terms of the Human Rights Act 1998 it is noted that CCTV could be considered a form of surveillance and/or a form of activity, which may have an impact in terms of Article 8, which is as follows: "Everyone has the right to respect for his private and family life, his home and correspondence". Accordingly, the Licensing Committee must ensure that its policy is legally compliant with Article 8 of the Human Rights Act 1998.

Lawful interference of this right is permitted, provided it is necessary.

It appears interference with this right would not be justifiable, in terms of a standard policy requirement or general presumption by the Committee in favour of permitting installation and use of unregulated CCTV recording systems inside a taxi or private hire car. This means that the Committee should not require all taxis and private hire cars to provide CCTV recording. As such, a general policy requiring CCTV is not recommended to the Committee.

However, provided the above purposes are the basis of the policy, the Committee may permit the installation of CCTV systems by individual licence holders, their drivers, insurance and CCTV companies who must themselves ensure that they meet their legal requirements. If private individuals take the view that it is necessary for them to install CCTV to protect their rights in terms of insurance fraud or in relation to assault they must consider the legal framework in respect of others rights.

10. Where will you publish the results of the Equality and Human Rights Impact Assessment? Tick which applies.

- ✓ Para 9 of EHRIA will be published in committee report in Section 6 "Impact"
- ✓ Full EHRIA will be attached to the committee report as an appendix
- ✓ Copied to Equalities Team to publish on the Council website

**STEP 2: Outline the aims of the proposal**

11. What are the main aims of the proposal?

The main aims of the proposal are to ensure that taxi and private hire car licence holders only install and operate CCTV systems in a manner which is acceptable to the public and are made aware that they must meet all relevant legal obligations in that regard.

12. Who will benefit most from the proposal?

The taxi and private hire car licence holders may benefit most from the proposal. For example, be reduced insurance premiums and increased likelihood of the prevention, detection and prosecution of crime committed in or around their vehicle.

13. You should assess the impact of your proposal on equality groups and tell us how implementing this proposal will impact on the needs of the public sector equality duty to: eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations.

It appears that the proposal will not have a particular effect on any of the equality groups. However, it may generally assist to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations other road users, passengers and the taxi or private hire drivers behaviour shall be recorded in the event of any incidents in and around the taxi.

**STEP 3: Gather and consider evidence**

15. What evidence is there to identify any potential positive or negative impacts in terms of involvement, consultation, research, officer knowledge and experience, equality monitoring data, user feedback and other? You must consider relevant evidence, including evidence from equality groups.

Officers have consulted the reports of other licensing authorities in respect of CCTV. They have consulted informally with the Information Commissioner in respect of considerations under the Data Protection Act 1998 considerations. A formal consultation shall be requested. The taxi trade representatives on the Taxi Consultation Group shall be consulted. The Disability Advisory Group taxis representative shall be consulted. The relevant licence holders shall be consulted as well as the insurance and CCTV companies.

This shall be completed before the Licensing Committee takes a final decision on the policy after initial consideration at its meeting on 18 March 2014.

**STEP 4: Assess likely impacts on people with Protected Characteristics**

16. Which, if any, people with protected characteristics and others could be affected positively or negatively by this proposal? Place the symbol in the relevant box. Be aware of cross-cutting issues, such as older women with a disability experiencing poverty and isolation.

(Positive +, neutral 0, - negative)

Protected Characteristics					
Age - Younger	0	Disability	0	Gender Reassignment*	0
Older					
Marriage or Civil Partnership	0	Pregnancy and Maternity	0	Race**	0
Religion or Belief	0	Sex (gender)***	0	Sexual orientation****	0
Others e.g. poverty	0				

Notes:

\* Gender Reassignment includes Transsexual

\*\* Race includes Gypsy/Travellers

\*\*\* Sex (gender) i.e. men, women

\*\*\*\* Sexual orientation includes LGB: Lesbian, Gay and Bisexual

17. Please detail the potential positive and/or negative impacts on those with protected characteristics you have highlighted above.

In making the assessment you must consider relevant evidence, including evidence received from individuals and equality groups. Having considered all of these elements, you must take account of the results of such assessments. This requires you to consider taking action to address any issues identified, such as removing or mitigating any negative impacts, where possible, and exploiting any potential for positive impact. If any adverse impact amounts to **unlawful discrimination**, the policy must be amended to avert this. Detail the impacts and describe those affected.

Positive impacts (describe protected characteristics affected)	Negative Impacts (describe protected characteristics affected)
N/A	N/A



**STEP 5: Human Rights - Apply the three key assessment tests for compliance assurance**

18. Does this proposal/policy/procedure have the potential to interfere with an individual's rights as set out in the Human Rights Act 1998? State which rights might be affected by ticking the appropriate box(es) and saying how. If you answer "no", go straight to question 22.

<p><input type="checkbox"/> Article 3 – Right not to be subjected to torture, inhumane or degrading treatment or punishment</p> <p><input type="checkbox"/> Article 6 – Right to a fair and public hearing</p> <p><input type="checkbox"/> Article 8 – Right to respect for private and family life, home and correspondence</p> <p><input type="checkbox"/> Article 10 – freedom of expression</p> <p><input type="checkbox"/> Other article not listed above</p> <p>In terms of the Human Rights Act 1998 it is noted that CCTV could be considered a form of surveillance and/or a form of activity, which may have an impact in terms of Article 8, which is as follows: "Everyone has the right to respect for his private and family life, his home and correspondence". Accordingly, the Licensing Committee must ensure that its policy is legally compliant with Article 8 of the Human Rights Act 1998.</p> <p>Lawful interference of this right is permitted, provided it is necessary.</p> <p>It appears interference with this right would not be justifiable, in terms of a standard policy requirement or general presumption by the Committee in favour of permitting installation and use of unregulated CCTV recording systems inside a taxi or private hire car. This means that the Committee should not require all taxis and private hire cars to provide CCTV recording. As such, a general policy requiring CCTV is not recommended to the Committee.</p> <p>However, provided the above purposes are the basis of the policy, the Committee may permit the installation of CCTV systems by individual licence holders, their drivers, insurance and CCTV companies who must themselves ensure that they meet their legal requirements. If private individuals take the view that it is necessary for them to install CCTV to protect their rights in terms of insurance fraud or in relation to assault they must consider the legal framework in respect of others rights.</p>
--

**Legality**

19. Where there is a potential negative impact is there a legal basis in the relevant domestic law?

<p>The Committee will not approve a policy that is in breach of its duties as a public authority in terms of Article 8 of the Human Rights Act 1998.</p>
--

**Legitimate aim**

20. Is the aim of the policy identified in Steps 1 and 2 a legitimate aim being served in terms of the relevant equality legislation or the Human Rights Act?

Not applicable

**Proportionality**

21. Is the impact of the policy proportionate to the legitimate aim being pursued? Is it the minimum necessary interference to achieve the legitimate aim?

Not applicable

**STEP 6: Monitor and review**

22. How will you monitor the implementation of the proposal? (For example, customer satisfaction questionnaires)

Further consultation shall be completed before the policy is fully implemented.

The Information Commissioner may wish to advise the Committee on its policy's compliance with the Data Protection Act 1998.

They may also wish to enforce against misuse of CCTV by private individual taxi and private hire car licence holders.

Authorised officers of the licensing authority shall monitor the number of CCTV systems installed and ensure they comply with the policy.

23. How will the results of this impact assessment and any further monitoring be used to develop the proposal?

Responses to consultation shall be used to inform the Committee's decision on the policy.

Equality and Human Rights Impact Assessment – the Form.

### STEP 7 SIGN OFF

The final stage of the EHRIA is formally to sign off the document as being a complete, rigorous and robust assessment.

Person(s) completing the impact assessment.

Name	Date	Signature
Paul Connolly		

Quality check: document has been checked by

Name	Date	Signature
Eric Anderson		

Head of Service (Sign-off)

Name	Date	Signature
Jane MacEachran		

**Now –**

Please send an electronic copy of your completed EHRIA - without signatures - together with the proposal to:

Equalities Team  
Customer Service and Performance  
Corporate Governance  
Aberdeen City Council  
**Business Hub 13**  
Second Floor North  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

Telephone 01224 523039 Email [sandrab@aberdeencity.gov.uk](mailto:sandrab@aberdeencity.gov.uk)