



**HYNDBURN**

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**DRAFT**

**CODE OF PRACTICE**

**FOR THE MANAGEMENT OF**

**CAMERA SYSTEMS**

**IN**

**HACKNEY CARRIAGES**

**AND**

**PRIVATE HIRE VEHICLES**

**LICENSED BY**

**HYNDBURN BOROUGH COUNCIL**

**July 2008**

**HYNDBURN BOROUGH COUNCIL  
CCTV SYSTEMS IN HACKNEY AND PRIVATE HIRE VEHICLES  
CODE OF PRACTICE**

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## **1.0 Background, aims, and purpose of scheme**

- 1.1 Consultation with the Police has resulted in this code of practice which will be used to manage and regulate the CCTV system in licensed Hackney and Private Hire Vehicles.

It is an essential document which respects and preserves personal privacy and civil liberties.

## **1.2 The aims and purpose of the CCTV scheme:**

- 1.2.1 Deterring and preventing the occurrence of crime.
- 1.2.2 Reducing the fear of crime.
- 1.2.3 Assisting the Police in investigating incidents of crime.
- 1.2.4 Assisting the Police in identifying missing persons.

## **1.3 Principles of the scheme**

- 1.3.1 This CCTV scheme will be operated fairly within applicable laws, and only for the purposes for which it was established, or subsequently agreed in accordance with this code.
- 1.3.2 The CCTV scheme is intended to view activity in Licensed Hackney and Private Hire vehicles.
- 1.3.3 Every effort has been made in planning and design of the CCTV system to provide maximum effectiveness within the area of coverage. It is not possible to guarantee that the CCTV system will see or provide evidence of every incident which takes place. There is no liability placed on the CCTV manufacturers in detecting all offences which occur within the areas covered by the CCTV system.
- 1.3.4 Signs will be displayed on a Hackney or Private Hire vehicle covered by the scheme. The signs will identify the scheme owner, together with a contact telephone number.
- 1.3.5 The signs will display the Hyndburn Borough Council corporate logo and should read:  

‘Closed Circuit Television (CCTV) is in operation, for the purposes of crime prevention and community safety’
- 1.3.6 Public and licensed vehicle owner’s confidence is based on the effectiveness of the operating cameras. Dummy cameras will not be used within this scheme.
- 1.3.7 Data subject access requests will be handled promptly and effectively.

## **2.0 Purpose of the code of practice**

- 2.1 This code of practice is to set out standards to control the anagement, operation and use of the CCTV scheme in Hackney and Private Hire vehicles under the control of Hyndburn Borough Council.
- 2.2 The code of practice will be subject to review and periodic reports which will be produced by Hyndburn Borough Council.
- 2.3 Hyndburn Borough Council and Lancashire Constabulary remain bound by the code of practice and any subsequent amendments thereto. Amendments should reflect the principles and objectives of the code.
- 2.4 The CCTV scheme is managed by Hyndburn Borough Council's Environmental Health Department. The department has responsibility for compliance with the purposes, objectives and management of the CCTV scheme.

### **3.0 DEVELOPMENT, REVIEW AND PUBLICATION**

3.1 The code takes account of:

- Human Rights Act 1998
- Data Protection Act 1998
- Freedom of Information Act 2000
- Regulation of Investigation Powers Act 2000
- Guidance produced by Liberty (National Council for Civil Liberties) contained in 'A Watching Brief' 1996.
- Guidance produced by Local Government Information Unit 1996
- Information Commissioners Code of Practice 2000
- Information Commissioners Guidance Note 2004

3.2 The Code will be subject to periodic review by Hyndburn Borough Council following consultation with interested parties to ensure it continues to reflect the public interest.

3.3 All changes within the CCTV Scheme of whatever type must be agreed by the Head of Environmental Health. A major change is one that will have a significant effect on the Code or the operation of the CCTV Scheme. This may include technological changes.

3.4 A list of vehicles which are taking part in the scheme will be included in Appendix A to this Code of Practice. Additional camera systems will be fitted in vehicles agreed by the Head of Environmental health or a nominated deputy.

3.5 Each additional vehicle fitted with a CCTV system will be added to Appendix A and this Code will apply to all such vehicles.

3.6 This Code of Practice is a public document. It will be included in the Council's Publication List under The Freedom of Information Act 2000, and it will be displayed on Hyndburn Borough Council's Website. A charge may be made for issuing paper copies of the Code.

3.7 Complaints relating to the CCTV system should be made in the first instance to the Head of Environmental Health in writing.

3.8 If the complainant is not satisfied, they are able to take the complaint further using Hyndburn Borough Council's general complaints procedure.

## **4.0 TERMS AND CONDITIONS**

### **4.1 Auditor**

Any person authorised by the Owner to carry out inspections of the CCTV System management and operation in order to ensure compliance with all relevant codes, instructions and legislation.

### **4.2 CCTV Control Centre –Secure Office**

The area where CCTV data is analysed, i.e. a secure office, at either Hyndburn Borough Council or Accrington Police Station.

An office within Hyndburn Borough Council or Accrington Police Station will become a secure office only when activity involving the CCTV system takes place. All items associated with the CCTV system will be secured as outlined in this code.

### **4.3 CCTV Scheme**

The totality of arrangements for closed circuit television within Hackney and Private Hire vehicles licensed by Hyndburn Borough Council, but not limited to, the technological system, staff and operational procedures.

### **4.4 CCTV System**

The surveillance items comprising cameras and associated equipment for transmission and controlling purposes, for use in this CCTV Scheme.

### **4.5 Community Safety**

Community Safety is defined as any intervention which deals with anti-social behavior or fear which affects the quality of life of individuals and communities.

### **4.6 CCTV Manager**

The person or persons designated by Hyndburn Council and Lancashire Constabulary, trained and authorised as having direct responsibility for the implementation of the policies, purposes and methods of control of a CCTV scheme.

### **4.7 CCTV Operator**

Person trained and authorised by the owner of a Scheme to ensure that at all times the CCTV System is operated in accordance with the Code of Practice and any procedural instruction issued by the owner or the CCTV Manager.

### **4.8 Data**

All information, including that about a person.

#### **4.9 Data Controller**

A person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which personal data is to be processed. Under this Code it is Hyndburn Borough Council.

#### **4.10 Incident**

An activity that raises concern that an offence has been, is being or is about to be, committed, or that an occurrence which has taken place warranting specific action by a CCTV operator.

#### **4.11 Master Copy**

The first copy taken of the recorded material by the CCTV Operator or nominated Lancashire Constabulary Police officers.

#### **4.12 Owner**

Hyndburn Borough Council is the owner of this scheme and as such has direct responsibility for the implementation of the policies, purposes and methods of control of the CCTV scheme.

#### **4.13 Procedural Instructions**

Instructions held at the Environmental Health Offices giving guidance to staff about correct operation. This will be reviewed regularly by the CCTV Manager.

#### **4.15 Retrieval System**

A CCTV system having the capability, in any medium, of effectively capturing data that can later be retrieved, viewed or processed.

For this CCTV scheme encrypted data is down loaded from a secure hard drive from the vehicle which has the system fitted.

To enable the downloading of data Hyndburn Borough Council and Lancashire Constabulary each have a designated lap top computer and a security key.

#### **4.16 Recorded Material**

Any data recorded on any medium that has the capacity to store data.

Material is recorded at a number of frames per second dependant on the mode within normal operation of the camera. The recording speeds are as follows:

- Background mode - 1 frame per 100 secs while the ignition is on.
- Door open - 1 frame per second
- Meter - variable between .5fps and 1 per 100 secs.
- Panic – 2 frames per second .

## **5.0 KEY OBJECTIVES OF THE CCTV SCHEME**

5.1 Key objectives are based on concerns of both drivers and users of Licensed Hackney and Private Hire Vehicles. The focus of the system is on effective day to day management and effective operation of the CCTV Scheme. The objectives will be evaluated over a period of time.

5.2 The Key Objectives of the CCTV Scheme are:

- To deter and detect crime and provide evidential material for court proceedings.
- To enhance community safety and reduce fear of crime.
- To help in identifying, apprehending and prosecuting offenders.
- To reduce the cost and consequences of anti social behavior.
- To increase the vitality of the Town Centre.

## **6.0 EQUIPMENT AND OWNERSHIP**

- 6.1 The CCTV System equipment is owned and operated by Hyndburn Borough Council in partnership with Lancashire Constabulary.
- 6.2 All property in the CCTV Control Centre, i.e. secure office, including recorded material is owned by the Hyndburn Borough Council, who also owns copyright.

## **7.0 CONTROL CENTRE MANAGEMENT**

- 7.1 The CCTV cameras within this system identified in Appendix A will be managed by Hyndburn Borough Council.
- 7.2 All CCTV operators must be suitably trained and/ or be capable of meeting in-service training requirements.
- 7.3 All persons employed or considered for employment in the Environmental Health Department will be required to disclose past criminal convictions (and, if appointed, any further convictions) so the Council may decide whether the offence has a bearing on the nature of the appointment.
- 7.4 The normal supervisory and disciplinary procedures of Hyndburn Borough Council and Lancashire Constabulary will apply to the CCTV Manager and all CCTV operators to ensure compliance with their responsibilities in accordance with this Code.
- 7.5 All CCTV operators work in accordance with the Hyndburn Borough Council's and Lancashire Constabulary wider policies, including its Equal Opportunities Policies.
- 7.6 Access will be strictly controlled to the secure offices when the CCTV system is in use.
- 7.7 CCTV operators must satisfy themselves of the identity of any person seeking access to the secure office. In cases of doubt, access will not be allowed and the matter reported to the CCTV Manager.
- 7.8 The CCTV Manager at Hyndburn Borough Council is responsible for the day-to-day management of their secure offices used to control the CCTV system.
- 7.9 Lancashire Constabulary at Accrington Police Station is responsible for the day-to-day management of their secure offices used to control the CCTV system.
- 7.10 That nominated manager is authorised to decide when access into a secure office is to be permitted. This will normally be, appointed operators and any authorised Police Officer. Authorised Police Staff and Council Staff will have access to the secure office to collect and return recorded material.
- 7.11 The CCTV Manager is authorised to use discretion to allow others into the secure offices on bona fide business, e.g. contractors for repair and maintenance and any visitors.

- 7.12 A detailed log will be maintained in the secure office to record the names of all persons entering the CCTV secure office, their business, and times of arrival and departure.
- 7.13 This CCTV Scheme is registered under The Data Protection Act 1998. The Data Controller, as defined in the Data Protection Act, is Hyndburn Borough Council. All data will be processed in accordance with the stated purposes thus ensuring compliance with the Act.
- 7.14 The recorded material held in the secure offices will be used only by the Council or the Police and then only in secure conditions and for the stated purposes.
- 7.15 Individuals (data subjects) may be allowed access to recorded material about them. A standard "Subject Access Request Form" (see Appendix B) should be completed, and returned to the CCTV Manager who will respond briefly describing the types of images which are recorded and retained and information about the disclosure policy. It will then be decided whether to comply with the request.
- 7.16 The CCTV Manager must complete documentation, together with reasons for refusal in the event of non-compliance with the request.

## **8.0 MANAGEMENT OF RECORDED MATERIAL**

- 8.1 Recorded material will be used only for the purposes defined in this Code of Practice. It should be of the high quality required to satisfy evidential requirements and the Data Protection Act 1998.
- 8.2 Access to such material will only take place in accordance with procedures defined in this Code of Practice.
- 8.3 Recorded material will not be sold or otherwise used for commercial purposes or the provision of entertainment.
- 8.4 Public showing of recorded material will only be allowed in compliance with Police requirement in connection with an investigation and only then in accordance with the Codes of Practice of The Police and Criminal Evidence Act 1984, or any other circumstance provided by law. The required release document must clearly state the intended use and time scales. Any required editing out of irrelevant subject matter should be passed for approval to the CCTV Manager.
- 8.5 Recorded material from the recording equipment in the vehicle is downloaded by use of the designated laptop computer by the CCTV Operator who must record the date and time of this action. If necessary, the recorded material may be copied onto a DVD/ disc. All DVD/ discs will be uniquely and sequentially referenced to facilitate easy identification.
- 8.6 DVD/ discs will be stored in the secure offices accessible by authorized personnel only. If a DVD/ disc is archived it is referenced and recorded. Recorded material will only be released to Police Officers or duly authorized Police or Council staff. When DVD/ discs are released an entry must be made in the register and a signature from the recipient must also be obtained. It is the responsibility of the Police/ Council to return any such DVD/ disc at the conclusion of any proceedings.
- 8.7 The recording system should be checked by the installation agent to ensure it is in good working order.
- 8.8 Digitally recorded material will be stored on a hard drive in the vehicle and will remain for 4 to 7 days, this is dependant on the use of the vehicle, after which it will automatically be overwritten.
- 8.9 Recorded material will be stored in a secure cabinet to ensure that there is no unauthorised access or possibility of accidental damage. Only the CCTV Manager and CCTV Operators will have authorised access to the recorded material.
- 8.10 When incidents are highlighted to the Police for attention, the level of response will be decided by the Police, using their existing criteria for responding to calls for Police assistance.
- 8.11 The log of recorded material will be stored in the CCTV secure office.

## 9.0 REFERRAL OF INCIDENTS

9.1 A driver/ owner of a Hackney or Private Hire vehicle which is involved in a:

- criminal incident should contact Lancashire Constabulary by telephone.
- non criminal incident should contact Hyndburn Borough Council by telephone

9.2 Details to be communicated to the Police and Council include:

- time;
- date;
- details of what was seen; and
- any other relevant information.

9.3 Other agencies with prosecution powers such as Health and Safety Executive may make requests through the scheme owners for evidence if an incident involves the driver of the vehicle or public safety. Requests must be made via Data Controller, i.e. Hyndburn Borough Council.

9.4 If, during evaluation, a CCTV Operator sees an incident which:

- does not involve, or appear to involve, criminal activity they will contact Hyndburn Borough Council Licensing section whose responsibility it will be to investigate non-criminal activity and take all necessary remedial action.
- does involve, or appear to involve, criminal activity they will contact Lancashire Constabulary whose responsibility it will be to investigate and take all necessary action.

## **10.0 POLICE USE OF RECORDED MATERIAL**

- 10.1 When the Police have reasonable cause to believe that an incident has been recorded which involves, or may involve, criminal activity, public disorder or antisocial behavior, a duly authorised Police Officer will be handed the recorded material by CCTV Operator, against signature and in accordance with strict procedures.
- 10.2 The handling and use of DVD/discs will be carried out in compliance with relevant legislation and Force Policy.
- 10.3 In the circumstances specified above, the recorded material will then be released by the CCTV Manager, but ownership and copyright remains with the Hyndburn Borough Council as owners. The recorded material shall, at no time, be used for anything other than the purpose specified and identified when the recorded material is released by the CCTV Manager, to the Police.
- 10.4 Any recorded material released from the CCTV Secure Office to the Police will be dealt with in accordance with Police procedures.
- 10.5 The recorded material exhibited in Court as evidence must be the master copy of the recording. There must be no editing, either by cutting or splicing or recording from other sources. However, while the master of the recorded material is in Police possession, the Police may take one working copy of the recorded material and a second copy of the recorded material to be used as disclosure material to the defence. Written statements will be required from the Police Officers as supporting evidence on copying and other handling of the recorded material.
- 10.6 Where recorded material is passed to the defence, they will be required to sign a statement acknowledging that the information is subject to the Data Protection Act and that the copyright is owned by Hyndburn Borough Council.
- 10.7 The Police have specialist facilities for making copies of recorded material.
- 10.8 Hyndburn Borough Council along with the Police do not support the use of any recordings for 'entertainment programmes' or any internet websites and agree not to release them for this purpose.
- 10.9 At the conclusion of the use of any original recorded material it is the responsibility of the Police to return it to the CCTV Manager unless the Court directs that it should be destroyed instead of being handed back to the Owners.
- 10.10 An authorised Police Officer may produce still photographs from recorded material. Hyndburn Borough Council as owner of the scheme must be notified and all such still photographs will be indexed and recorded in file retained at the CCTV Control Centre, i.e. a secure office.
- 10.11 Any still photograph produced by the Police will be kept secure and its handling logged.

## **11.0 COUNCIL USE OF RECORDED MATERIAL**

- 11.1 A Council Officer may ask the CCTV Manager to view the recording of a specified incident which does not involve, or appear to involve, criminal activity, but which may involve the Council services for which the Officer is responsible, if either –
- a) during analysing, a CCTV Operator has seen the incident and alerted the relevant Council Officer.
  - b) the Council Officer is made aware of incidents by any other means, e.g. customer complaint.
- 11.2 The procedure will be the same as section 10 'Police use of recorded material'.
- 11.3 If the downloaded material is required for Judicial Committee or Court purposes, the CCTV Operator who downloaded the material and the person who produced the master copy DVD/ disc will also be required to make statements.

## **12.0 EVALUATION, MONITORING AND AUDIT OF SCHEME**

- 12.1 The Owner should arrange for an initial evaluation after the six months trial to establish whether the scheme has met its key objectives and that the scheme is operated in compliance with the code of practice. This will be compiled in a report and made available for public viewing.
- 12.2 An Annual Report will be compiled and made available for public information by Hyndburn Borough Council. The annual report should also provide details of the Scheme's achievements during the previous 12 months, which may be based on information already held by the Scheme.
- 12.3 The topics covered within the report should include details of the following:-
- Current area(s) of operation;
  - Any changes to the operation or management of the CCTV Scheme System or Code of Practice, including changes in camera locations;
  - Any changes that have been made to the policy or key procedures and budget implications;
  - Any proposals to expand or reduce the operation of the Scheme;
  - The aims and objectives for the next 12 months.

**APPENDIX A**

**HYNDBURN BOROUGH COUNCIL CCTV SYSTEM CODE OF PRACTICE**

**LOCATION OF CAMERAS**

Camera Number	Vehicle Pproprietor	Vehicle Make and Registration No.	Vehicle Licence Number

## **APPENDIX B**

### **HYNDBURN BOROUGH COUNCIL CCTV SYSTEM CODE OF PRACTICE**

#### **HOW TO APPLY FOR INFORMATION ABOUT CCTV IMAGES HELD BY HYNDBURN BOROUGH COUNCIL UNDER THE DATA PROTECTION ACT 1998**

#### **Your Rights**

You have a right to be told whether any CCTV images are held which identify you. You will need to provide a date, exact time (accurate to within 15 minutes) and location of when your image may have been recorded by the CCTV system.

You will only be given that information if they are satisfied as to your identity. Information identifying someone else will not be given unless that person agrees.

If you think that the CCTV images of you, also identify another person, you need to obtain that person's agreement and send it with your application. If such agreement is not possible or not obtained it may be necessary to arrange for third party images to be disguised or blurred.

#### **Data Controller's Rights**

You will not be entitled to receive information where that information is held for:-

- The prevention or detection of crime
- The apprehension or prosecution of offenders

and giving you the information would be likely to prejudice any of these purposes.

NOTE: It may be necessary to consult Lancashire Constabulary before forwarding information which is the subject of this application.

In addition, a Guidance Note from the Information Commissioner in December 2004 also states that the Data Protection Act does not apply to general street scenes where no incident has occurred and there is not any focus on any particular individual's activities. The rule of thumb in these instances is whether the recorded material aimed to learn about a particular individual's activities. In these circumstances you will not be entitled to see the information.

#### **Fees**

The fee to apply for information is £10.00 per application. Cheques or postal orders should be made payable to Hyndburn Borough Council.

#### **Proof of Identity**

To help establish your identity, your application must include photocopies of two official documents which between them clearly show your name, address and date of birth. For example: driving licence, medical card, birth certificate or a passport. It may be necessary to produce a recent photograph and/ or a description of clothing worn at the relevant time.

## **Submitting the Completed Application Form**

When you have completed the attached application form, please forward it with the appropriate proof of identity and fee to:

CCTV Manager  
Hyndburn Borough Council  
Environmental Health  
20 Canon Street  
Accrington  
Lancashire  
BB5 1NJ

Applications may take up to 40 days to process.

## **CHECKLIST**

Before sending your application, please ensure you have;

- (a) Completed all sections of the form
- (b) Enclosed your identification documents
- (c) Signed the enclosed form
- (d) Enclosed the £10.00 fee

## **HELP TO MAKE THE APPLICATION**

If you have difficulty completing this application form please contact Hyndburn Borough Council, Environmental Health Services, Licensing Section, 20 Cannon Street, Accrington, 01254 380624 where assistance will be available.

## **MORE INFORMATION**

These notes are only a guide. The law is set out in the Data Protection Act 1998, a copy of which is available from H.M.S.O. Further information and advice may be obtained from:-

The Office of the Information Commissioners  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Tel: 01625 545745

**NB** This application for access to information must be made direct to Hyndburn Borough Council and **NOT** to the Information Commissioner.



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**APPLICATION FOR INFORMATION ABOUT CCTV IMAGES  
HELD BY HYNDBURN BOROUGH COUNCIL  
UNDER THE DATA PROTECTION ACT 1998**

**Personal Details** *(to be completed in all cases using block capitals)*

Title Mr / Mrs / Miss / Other (please state) .....

Surname/ Family Name .....

First Name(s) .....

Male \* Female \* Age \_\_\_\_\_ Height .....

(\* Delete as appropriate )

*(This helps us locate the images)*

Home Address .....

(This is the address to which all replies will be sent unless you specifically indicate otherwise) .....

Post Code .....

**Details of Incident** *(to be completed in all cases using block capitals)*

In relation to this application dealing solely with recorded images, were you:

- The person reporting an offence or incident Yes \* No \*
- A witness to an offence or incident Yes \* No \*
- A person accused or convicted of an offence Yes \* No \*
- A victim of an offence Yes \* No \*

(\* Delete as appropriate)

**Please give details of date, exact time (accurate to 15 minutes) and location of incident and any other information**

.....  
.....

Should the information you require relate to your vehicle, please supply details of make, model and registration number

.....  
.....

**DECLARATION** (to be signed by the applicant)

The information I have supplied in this application is correct, and I am the person to whom it relates:-

Signed by ..... Date .....

Name (In Capitals) .....

**WARNING a person who impersonates or attempts to impersonate another may be guilty of an offence.**

**FOR OFFICIAL USE ONLY**

Date application received .....

Date Acknowledgement sent .....

**Details of identity document(s)**

Identity document(s) checked Yes \* No \*

**Type of document(s):**

Driving Licence\* / Passport\* / Medical Card\* / Birth Certificate\* / Marriage Certificate\*

Other (please state) .....

Document(s) returned Yes \* No \*

Application checked Yes \* No \* (\* Delete as appropriate)

**Method of Payment**

Cheque\* / Cash\* / Postal Order\* / Other (please state) .....

Receipt Number .....

**Officer Completing This Section**

Name .....

Signature .....

**Action Taken**

Letter Sent .....