

Consultation Responses - 6th Edition of the Blue Handbook for Hackney Carriage & Private Hire Drivers, Vehicles and Operators

1.	<p>In reply to this email in relation to the new rules I can't believe the timing of these new rules. What is the point of carrying on being a Brighton and Hove licenced driver when in these unbelievably tough times you decide to increase our costs. I have resisted signing with Uber but now cannot see the point when I can reduce my outgoings by licensing my taxi elsewhere.</p>
2.	<p>I have read the new proposals to the Blue Book. It is very hard to swallow these further conditions to the hackney carriage licence when trade is currently through the floor, and it is very uncertain as to where it will recover to as and when the COVID restrictions are lifted. Is there any time scale for when such new regulations might come into force. Many thanks</p>
3.	<p>The proposed changes must have been discussed but i would like to know why these changes are necessary. And what difference would it make to the cabs are operating in Brighton from various councils. You can squeeze us as much as you like but it doesn't make any difference to the safety of public as there are hundreds of drivers operating from other areas. Will you help us to support our families because we wait three to four hours for jobs in the hope that it will get better. In my understanding there is enough work in Brighton but because of these illegal drivers operating in Brighton they pinch most of our fares. I am sure no council grant a license to work in other area can you please get in touch with the lewes council and Chichester council just to add one line in there application form "you are licensed to work in the borough you have applied for not out of the borough of your vicinity" This make our blood boiled when we see these drivers didn't have the brain to pass Brighton knowledge test and now find a way to pinch our fares. I would appreciate to take a step towards that rather than these kind of changes. We drivers feel helpless.</p>
4.	<p>I write with reference to the proposed Blue Book 6th Revision with reference to CCTV conditions.</p> <p>At the last Trade Forum meeting we raised the matter of the new the provision of the cctv cut-off switch...which is a provision as allowed under the Information Commissioner for driver privacy when not acting a s licensed driver.</p> <p>You will recall that concern was raised about the council insisting that the switch is located in the boot of the vehicle which in effect makes it difficult for the driver to easily exercised his/her right to privacy as decreed by the Information Commissioner.</p> <p>You will be aware that that we received the requested changes to the Blue Book only the day before the last Trade Forum which did not give much time for me to go though it and as such I missed the following</p>

	<p><i>“Ensure every CCTV is hard fixed to the vehicle (no windscreen suckers) and does not obstruct the drivers view of the road. The system is permanently wired to the vehicles power supply with an off switch fitted in the boot/rear area of the vehicle for when it is being used for personal use. If a switch is fitted the system must automatically reactivate when the ignition is turned back on and a red warning light must be fitted in the cabin to alert the driver.”</i></p> <p>Having now been alerted to this major change to the conditions of licensing for CCTV I raise a strong objection to what can only be described as the council begrudgingly complying with the Information Commissioner but at the same time placing even more obstacles in the way for the driver to exercise his/her right to privacy when not acting as a licensed driver.</p> <p>I consider that there is a gross abuse of the council in making it so difficult to the extent that should a driver be driving when not acting as a licensed driver. For example when privately driving with his or her family then every time the ignition is switched off the CCTV system will now automatically start up. This means that every time this happens the driver will have to get out of the vehicle... go to the boot and turn the system off again.</p> <p>This is absolutely unacceptable condition of licensing and must be withdrawn.</p>
5.	<p>For what reason are the council STILL making it harder and harder for their licenced drivers to operate.</p> <p>Have the council had a large number of incidents whereas the cctv footage was not available to them that will call for such a drastic change in a system that’s been working for the last decade?</p> <p>Our drivers, and many of our colleagues agree that this is the council showing abuse of power.</p> <p>Yes, we would also like to see any quotes the council have obtained to add or adjust existing systems to meet these new proposed conditions?</p> <p>With regards to the council being the data controller, can you clarify the following;</p> <ul style="list-style-type: none"> • would a driver/proprietor need the councils ‘permission’ to download footage (wether it was taxi related or other) • will the driver/proprietor come to the council or their existing DP (Radio Relay, or Cabcare) for these downloads • can you comment as to wether or not the council will, now or in the future, seek to have remote access to the cabs? <p>We concur with AP, GMB, and our colleagues that this needs to be withdrawn as it seems excessive and with the current condition of the market drivers really do not have an appetite for more expenses with 80% less earning.</p> <p>We also need to know what the councils position for helping its drivers, via the discretionary grant funding is.</p> <p>We have heard that many of our neighbouring councils have offered much needed financial help to their drivers.</p>
6.	<p>I strongly object to the proposed changes to the conditions of CCTV which interfere with my right to privacy when driving a licensed vehicle but when not acting as a licensed driver.</p>

	<p>The information Commissioner has decreed that I have a right to privacy but I consider that the council has intentions to hinder that right by having unreasonable conditions of licensing for the operation of CCTV.</p> <p>I respectfully request an acknowledgement to this objection and confirmation as to what action will now follow.</p>
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13.	<p>I am emailing to object to the proposed changes to the conditions regarding the CCTV in my taxi which would impede on my right to privacy whilst driving my licenced vehicle outside of my duties as a licenced driver.</p> <p>The information Commissioner has decreed that I have a right to privacy but it appears that the council wish to hinder that right by way of unreasonable conditions of licensing for the operation of CCTV.</p> <p>I respectfully request an acknowledgement to this objection and a clarification of the council's position.</p>
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16.	<p>As a member of the public who myself and members of my family use Brighton taxis as I do not drive and am fully reliant on taxis fully and wholeheartedly support the proposed changes to the CCTV conditions.</p> <p>I like to keep abreast on anything that safeguards members of the public.</p> <p>I hear there is a petition from taxi drivers opposing these proposals. Of course I understand their frustrations however I would like to point out that the bottom line here is the safety of the public and anything that introduces measures to further boost the communities safety surely has to be worthwhile.</p>
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21.	<p>Privacy switch located in the boot of the vehicle</p> <p>I am very aware that other areas have a condition of licensing where the privacy switch is in the boot. I would consider that this may be reasonable.</p> <p>System off Indicator</p> <p>I am also aware that other areas may have an indication system of a light that will shown as to when the cctv has been deactivated. This may be considered reasonable subject to my comments further below.</p> <p>However the information that I have been given is that the 'Indicator Switch' is only necessary where cctv monitors are either not installed by preference of the proprietor or where councils have not allowed live monitors to be used.</p> <p>In Brighton & Hove live monitors are allowed and in most cases proprietors here have these as they act as a deterrent such as myself.</p> <p>Therefore where monitors are installed.... then by default this clearly shows that the cctv system is either on or off and consequently there is no need for any other 'Indication' to show this. Having the extra wiring needed to show the system is off is over regulation and unnecessary.</p> <p>As a perfectly reasonable compromise the condition could be as follows:</p>

'Where a live monitor is not in use then a visual warning shall be employed to indicate the operation status of the cctv system'

Privacy Switch Over Ride

As far as myself and Sean is aware Adur/Worthing does not have any condition where the system is reactivated when the remote switch is off.. effectively overriding the privacy switch. There is nothing in the conditions of licensing requiring this.

You quoted Warrington and Rotherham. I have looked at the Warrington CCTV conditions of licensing and again nothing like this is showing. I have also looked at the Rotherham CCTV conditions of licensing and again there is no reference to the over ride system. I have been reliably informed that the Rotherham conditions are an exact copy of the Doncaster conditions.

I have consulted with Dave Lawrie.. Director of the National Private Hire & Taxi Association who also has company supplying CCTV systems to the trade who has a consultation relationship with the ICO on taxi/private hire cctv system

"Indeed, and that auto rearm, simply should not happen, as you have said previously, it potentially creates a situation where the device switches itself on every time the driver nips to the shop, drops kids off at school, "stop start" activates at lights etc renders the purpose of having the right to a private life mute and pointless, since this feature would overrule the right.

It also becomes very marginal as to whether they are in breach of the ICO regulation since the device would auto reactivate, removing the actual right to private life..."

Having the reactivation each time the engine is started creates a situation whereby the driver would have to start his car, THEN leave his engine running, go to the disarm switch to switch the device off, and then get back in his car and drive off in order to maintain his "right to a private life" which as above would not actually work when using stop start feature of modern vehicles since the engine would start again as soon as you got back in to the car, effectively rendering the over ride switch useless."

But more importantly than the stop start aspect, the driver leaving the vehicle running whilst he switched off the CCTV, would result in situations like this as quoted from a Rotherham council email

"the vehicle was stolen on the 07/01/2021 at around 15.50 hours. The driver got out of the car to open the boot and the thief has jumped in and driven off – the vehicle was eventually recovered but needed a lot of work doing"

In such a scenario, the insurance would not pay out, since the vehicle would not be deemed to have been "stolen", merely left running ready for the opportunist."

	<p>I have explained before that having such an oppressive over ride system is there to hinder the right to privacy as laid down by the ICO and impractical..... and again over zealous regulation.</p> <p>We have to have external signs on the cabs stating ‘Turn off the ignition’ and yet the proposal here is to make it as difficult as possible for the driver to have the permitted privacy in having to get out of the car and use the remote switch in the boot every time the vehicle is used for private use and throughout the period of that private use. This is unacceptable and must be removed.</p> <p>I also make the point that the Blue Book states:</p> <p>“10.3 Hiding information/evidence <i>Any attempt to hide information - such as turning off CCTV during an incident, will be regarded as a serious matter and the driver will have to establish a valid reason why this happened. The Council can and will draw an adverse inference from any such action “</i></p> <p>This in itself shows very clearly that the system must be on when used as a licensed vehicle so with respect please let us not have a council that treats the trade as subservient with unnecessary rules and regulations especially where we are today with hundreds of out of town cars predominantly working here without local council controlled cctv or even none whatsoever.</p> <p>I would also respectfully point out that whilst £30 to £50 may not seem a significant amount to have to pay to have the remote switch installed, at the moment we have no idea what the final amount of a grant we are receiving so it would appear to be in one hand and out of the other.</p> <p>Proprietor Choice Whilst the position of the remote switch and a ‘possible’ visual indicator (subject to no monitor being installed) may acceptable... although the over ride system is absolutely not. ...there should be a clear choice to the proprietor as to whether such a remote switch is needed or not.</p> <p>This is especially relevant where a cctv system has been installed that shows the view of the road for insurance purposes and the proprietor would prefer to keep the system running all the time thus not opting to have the unnecessary expense of a remote switch that will never be used.</p>
22.	<ul style="list-style-type: none"> • we are interested in the issues around CCTV and would like it to be clearer that audio is required for HTST runs as we still have some operators that are unsure whether audio is used on HTST runs; • we are pleased to see that secure methods for turning on/off CCTV are in place and that this is not easily accessible for taxi drivers to do this during a run – safeguarding is paramount for our DTS and HTST runs • Blue Book mentions First Aid, and that if First Aid kits are carried that the Driver must have a valid First Aid Qualification – what does “valid” mean and is there any stipulation on quality of provider or what level this must be (ie could it be appointed person?)
23.	I have the following comments to make in regard to the CCTV changes –

I only use my private hire taxi for business, never privately and I currently have a 4 camera system (front and rear facing) that also acts as a dash cam and is part of my insurance policy conditions.

You have stated that there must be a cut out switch located in the boot/rear of the vehicle...what does this switch comprise of?

As you also know, my company is currently the Data Controller so that may also cause a problem.

Does this new proposal affect both Private Hire and Hackney Carriage or just Hackney as it is unclear from the handbook under various sections?.

Is there an opt out option for this proposal?.