

Adoption of revised CCTV Code of Practice

Report of Cabinet Member for Finance and Democratic Services

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Agenda Item: 3

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Key Decision? **YES**

Local Ward

Members Of interest to all ward Members

CABINET

1. Executive Summary

- 1.1 The Council operates a number of CCTV systems including the Public Static Scheme run in partnership with the Three Spires Shopping Centre, fixed systems at the council house and the depot, the waste and streetscene fleet system, cameras worn by environmental health officers, and fly-tipping surveillance cameras.
- 1.2 In operating these systems, the council is required to observe the Government's Surveillance Camera Code of Practice which provides guidance on the appropriate use of cameras.
- 1.3 To demonstrate compliance, Cabinet approved its own Code of Practice in March 2017 which described why and how it uses CCTV systems.
- 1.4 The Code of Practice has been reviewed – and redrafted - to ensure that it allows the council to implement the Joint Waste Service's Improvement Plan and this report seeks Cabinet approval to re-adopt the Code.
- 1.5 The revised Code of Practice 2019 is attached at **Appendix A**.
- 1.6 Revisions have been included to allow the following:
 - To describe additional purposes for having a CCTV system on its waste fleet. These additional purposes will allow footage to be used to help enhance customer care and to investigate service complaints; to help improve productivity; and for training purposes;
 - To make it easier to request viewings;
 - To update job titles;
 - Removal of reference to systems in leisure centres and in Beacon Park;
 - To clarify meaning and remove duplication and contradiction;
 - To correct grammatical and other errors.

2. Recommendations

- 2.1 It is recommended that Cabinet approves the CCTV Code of Practice.

3. Background

3.1 In June 2013 the Secretary of State introduced the Surveillance Camera Code of Practice pursuant to the Protection of Freedoms Act 2012. It provides guidance on the appropriate and effective use of surveillance camera systems and contains 12 principles:

(1) Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.

(2) The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.

(3) There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.

(4) There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.

(5) Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.

(6) No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged.

(7) Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.

(8) Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.

(9) Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.

(10) There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.

(11) When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.

(12) Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

3.2 The Council adopted its first Code of Practice, built on these principles, in 2017.

- 3.3 The revised Code of Practice covers all of the Council's CCTV operations encompassing the public static scheme, Waste and Streetscene Fleet, the depot, Council Offices, Body Worn Cameras and Fly Tipping Cameras.
- 3.4 The Code of Practice has been redrafted to facilitate the Joint Waste Service's Improvement Plan which proposes the use of the Waste Fleet CCTV to allow the proactive use of footage for the purposes of improving productivity, training of supervisors and crews, and to enhance customer care.
- 3.5 Whilst the Code may allow the council to use the CCTV for this purpose, a supplementary Protocol is being discussed with the union. This Protocol, which will be agreed with the union, will describe how, when and who can access and use footage for the purposes of monitoring and improving productivity and identifying the training needs of staff.
- 3.6 Additional changes also include:
- To allow the public static scheme to monitor the progress of a person that may appear to be vulnerable, for instance to track a lost child;
 - To update job titles;
 - The removal of reference to systems in leisure centres and in Beacon Park;
 - To clarify meaning and remove duplication and contradiction; and
 - To correct grammatical and other errors.

Alternative Options	The council is expected to have a Code of Practice for the operation of its CCTV systems but the Code could be drafted in a number of ways.
Consultation	<p>The original Code was adopted following consultation with the Police and with the managing agents for the Three Spires.</p> <p>All system managers have been consulted on the redrafting of the Code.</p> <p>The principal changes to the Code relate to the operation of the Waste Fleet operated by the Joint Waste Service and there has been extensive discussion with employees of the Service and the union.</p>
Financial Implications	There are no financial implications directly related to the adoption of the Code.
Contribution to the Delivery of the Strategic Plan	<p>The purpose of the CCTV scheme is to make the district a safer and more welcoming place at any time of day or night, giving residents and visitors the opportunity to live their lives fully and without fear. This commitment is reflected in our Strategic Plan (2016-2020) which sets out to ensure the district has:</p> <ol style="list-style-type: none"> 1. A vibrant and prosperous economy encouraging more visitors and businesses. 2. Healthy and safe communities where people feel safer and less worried about crime and anti-social behaviour. 3. Clean, green and welcoming places which are accessible and safe.
Equality, Diversity and Human Rights Implications	The Code of Practice ensures the scheme is operated in accordance with all relevant legislation and guidance that have equality, diversity and human rights implications.

Crime & Safety Issues	One of the objectives of the CCTV systems is to prevent, reduce, investigate and detect crime.
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GDPR/Privacy Impact Assessment	The Code details how the Council will manage its CCTV systems and the data in accordance with GDPR and requirements for privacy impact assessments.
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	Risk Description	How We Manage It	Severity of Risk (RYG)
A	That the Council operates CCTV in contravention of the Surveillance Camera Code of Practice pursuant to the Protection of Freedoms Act 2012, the Data Protection Act 1998, Human Rights Act 1998 and Regulation of Investigative Powers Act 2000.	Utilisation of the Code of Practice for the operation of the Council's Public CCTV systems. Close working relationship with the Control Room based at the Three Spires Management Suite.	Green
B	The Code does not provide enough authority to be able to use the CCTV system in a way that allows the Waste Improvement Plan to be implemented	The Code has been drafted in consultation with the Union and employees of the Waste Service. The protocols in accessing and using the system for the purposes of improving productivity and identifying training needs will be incorporated in a subservient Protocol which will be agreed with the council's Employee Liaison Group which includes union representatives.	Green

Background documents – Appendix A Code of Practice
