

TO: EXECUTIVE
26 January 2021

**CCTV DEPLOYMENT POLICY
(Executive Director of Delivery)**

1 PURPOSE OF REPORT

- 1.1 To set out the obligations on the Council with respect to the use of CCTV
- 1.2 To seek approval of the Executive for the CCTV Policy set out at Appendix A to this report

2 RECOMMENDATIONS

That the Executive agrees that:

- (a) The policy as set out at Appendix A to this report be approved;**
- (b) That the Executive Director – Delivery be designated as the Senior Responsible Officer for the purpose of oversight of the implementation of this policy**
- (c) That all staff involved in the deployment and management of CCTV surveillance systems attend briefing sessions on the Policy at Appendix A.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 The Council is required to comply with a range of legislation and guidance in its deployment and use of CCTV systems including:

- Human Rights Act 1998 article 8 (Right to Privacy)
- Data Protection Act 1998
- Regulation of Investigatory Powers Act 2000
- Protection of Freedoms Act 2012

- 3.2 The recommendations if adopted will bring into being a consolidated code for use across the Council when services are considering the deployment of surveillance systems.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The only alternative is not to adopt the Policy.

5 BACKGROUND

- 5.1 Elsewhere on this report the Executive received a report setting out the policy position with respect to covert directed surveillance. This report deals with the other side of the coin namely overt CCTV deployed by the Council.

Unrestricted

5.2 The Protection of Freedoms Act 2012 requires the Secretary of State to develop and publish a Code of Practice on the use of 'Surveillance Cameras'. In addition the Act also appoints a Surveillance Camera Commissioner whose role is to:

- encourage compliance with the surveillance camera code,
- review the operation of the code, and
- provide advice about the code (including changes to it or breaches of it).

5.3 The Act requires that a 'relevant authority' must have regard to the Code when exercising any functions to which the code relates. For the purpose of the Act a 'relevant authority' includes a local authority.

5.4 The Code sets out the 'twelve guiding principles' for use of CCTV surveillance systems namely:

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 its purpose has 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 a pressing need, 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 matches against a reference database for matching purposes should be accurate and kept up to date.

5.5 The Code also needs to be read in conjunction with other relevant codes including the Information Commissioners CCTV Code of Practice. As previously stated it does cover Covert Surveillance which is covered by the Regulation of Investigatory Powers Act and related codes. However the distinction between covert and overt surveillance needs to be fully understood in order that the correct provisions are applied and that one does not stray into the other. For this reason it is desirable to have the same Senior Responsible Officer.

5.6 In order to understand the context of the Bracknell Forest Borough Council CCTV Policy it needs to be read in conjunction with the Surveillance Camera Code of Practice here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/157901/code-of-practice.pdf

The Information Commissioners Code of Practice for CCTV can be found here:

<https://ico.org.uk/media/1542/cctv-code-of-practice.pdf>

Bracknell Forest Borough Council and RIPA

5.7 CCTV within a local authority setting is often considered in the context of town centre / street level CCTV systems provided for the purpose of crime prevention and detection or anti-social behaviour. Bracknell Forest Council does not currently operate a system of this nature.

5.8 Nevertheless it does operate a number of permanent and temporary CCTV systems across its properties and estate including car parks, leisure, housing and office settings. Additionally from time to time additional temporary CCTV may be deployed to as part of a response to specific issues such as anti-social behaviour or matters such as fly-tipping and enviro-crime.

5.9 These systems are managed on a day to day basis by a variety of different services. To this end it is imperative that the Council has a common set of standards and principles on deployment of public space surveillance to ensure compliance with a range of legislation as set out in 3.0 above and the relevant Codes set out in 5.6 above.

Bracknell Forest Borough Council CCTV Policy

5.10 A consolidated CCTV policy for use of across the Council is proposed at Appendix A to this report. The Policy is in two parts. Part one deals with the deployment of overt CCTV systems, the deployment of automatic number plate recognitions systems and CCTV in workplaces. The policy references the 'twelve guiding principles' set out in 5.4 above and how these will apply to deployment of CCTV by the Council. Part 2 of the policy deals with data protection and adherence to the Data Protection Act.

5.11 Appendix A of the policy sets out a whole array of deployment and scheme management issues including signage, point of contact, access to data by subject access request and law enforcement bodies. It also covers accountability, monitoring,

privacy and disclosure, material management and other relevant matters. The Policy needs to be applied in the context of other prevailing policies and in particular those relating to data protection and RIPA.

- 5.12 Appendix B of the policy sets out a deployment form. The form if completed fully takes anyone using it through the fundamental considerations when considering the deployment of CCTV including the purpose, location, signage and need. Before CCTV can be deployed the Executive Director – Delivery as the Senior Responsible Officer. Finally there is a consent form for use where CCTV is deployed on others land or property. This would be rare but may occur for example in the event of anti-social behaviour or where somebody was a targeted or repeat victim of crime.
- 5.13 If adopted the Policy will need to be implemented across the Council. It is proposed to develop a series of briefings for staff who may be involved in the deployment or management of CCTV. The content and format of these briefings would be agreed by the SRO.
- 5.14 Finally the SRO will maintain a register of deployments and keep under review the deployment and management regime to ensure it complies with prevailing legislation and guidance and the Councils Policy.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The legal obligations and required processes and checks and balances appertaining to the above recommendations are set out in this report and the Policy at Appendix (A) to this Report.

Borough Treasurer

- 6.2 There are no new financial implications in this report.

Equalities Impact Assessment

- 6.3 An equalities screening has been undertaken and confirmed a full assessment was not required.

Strategic Risk Management Issues

- 6.4 The Council is required to have a CCTV policy if it deploys CCTV. Without this policy there is the possibility of CCTV being deployed without the appropriate awareness and safeguards being adhered too.

Contacts for further information

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