

North Tyneside Council

Report to Cabinet

Date: 24 February 2020

Title: CCTV Policy

Portfolio: Elected Mayor

Cabinet Member: Norma Redfearn
CBE

Report from Service Area: Law and Governance

Tel: (0191) 643 5339

Responsible Officer: Bryn Roberts, Head of Law and Governance

Wards affected: All

PART 1

1.1 Executive Summary:

The Authority operates closed-circuit television (CCTV) systems which are used in areas such as council buildings, on its refuse collection vehicles, and in public spaces. In addition to its own systems, the Authority monitors CCTV deployed by partner organisations such as schools, Northumbria Police and Nexus under service level agreements or contract arrangements.

As well as preventing and detecting crime having visible CCTV systems in public areas also enhances feelings of safety for our residents and communities.

CCTV system installations are required to be operated in compliance with extensive statutory requirements and associated guidance which provides safeguards in their use and ensures that the need for public protection is balanced against the need to respect the right to privacy for individuals.

This report presents a new CCTV policy for approval by Cabinet. Although not a statutory requirement, the introduction of this policy will provide a framework to centrally co-ordinate the use of the Authority's CCTV systems therefore giving additional assurance that the relevant compliance standards are being met.

1.2 Recommendation:

It is recommended that Cabinet:

1. approve the Authority's draft policy on CCTV attached at Appendix 1;

2. delegate authority to the Head of Law and Governance, in consultation with the Elected Mayor as appropriate, to implement the policy and all ancillary matters relating to it; and
3. receives an update report every 12 months to ensure proper oversight of the policy.

1.3 Forward Plan:

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 7 June 2019.

1.4 Council Plan and Policy Framework

This report relates to the following priorities in the 2018-2020 Our North Tyneside Plan:

Our places will:

- Provide a clean, green, healthy, attractive, safe and sustainable environment

1.5 Information:

1.5.1 Introduction

The Authority operates a number of closed-circuit television (CCTV) systems which are used in areas such as council buildings, public spaces, and on its refuse collection vehicles. It also monitors systems deployed by other parties such as schools, Northumbria Police and Nexus under service level agreements or contract arrangements.

These CCTV system installations are operated in line with extensive statutory requirements and associated guidance to ensure that the need for public protection is balanced against the need to respect the right of privacy for individuals.

Although not a statutory requirement, the Authority has developed a CCTV policy which is attached to Appendix 1 of this report. The proposal to introduce this corporate policy; which will govern the use of its CCTV systems; is aimed at adding further rigour to the manner in which they are managed and to provide assurance of compliance with relevant legislation and the accompanying statutory codes of practice.

It is important to note however that this policy only covers the use of CCTV systems that are deployed overtly. The Authority does not routinely use CCTV systems covertly. Such use is strictly controlled by surveillance legislation (the Regulation of Investigatory Powers Act 2000) and is subject to a specific policy which has been approved by Cabinet and is regularly reviewed.

1.5.2 Community Safety

As well as preventing and detecting crime having visible CCTV systems in public spaces also enhances feelings of safety for our residents and communities.

Ensuring our places are safe is a priority of the Elected Mayor. This is also a priority of the Safer North Tyneside community safety partnership where promoting feelings of safety amongst our communities is one of the key aims of its Community Safety Strategy 2019-2024.

In 2018 the Residents' Survey told us that 89% of people in North Tyneside feel safe in their local area during the day but fewer residents, 55%, reported feeling safe after dark.

The Authority has since upgraded its static public space CCTV and opened a new control room. Also, a new mobile CCTV vehicle has been introduced along with more CCTV cameras which are capable of being redeployed to tackle identified hotspots for anti-social behaviour and environmental crime.

This improved CCTV capability is playing a vital role in assisting the additional officer capacity which includes new community protection wardens and an environmental rapid response team.

1.5.3 Legislative Context

CCTV systems are surveillance systems and their use is subject to a range of legislative controls which enable organisations to use them lawfully. That legislation includes:

- The Data Protection Act 2018
- The General Data Protection Regulation 2016
- The Human Rights Act 1998
- The Protection of Freedoms Act 2012
- The Criminal Procedure and Investigations Act 1996
- The Regulation of Investigatory Powers Act 2000

The Protection of Freedoms Act 2012 introduced the provision to appoint a Surveillance Camera Commissioner (SCC) with the power to develop and introduce a Code of Practice focussing on the use of surveillance camera systems. The role of the SCC is to encourage compliance with the Code of Practice, review how the Code is working on the ground and provide advice to Ministers on whether or not future amendments to the Code are required. At present the SCC has no enforcement or inspection powers and works with 'relevant authorities' to make them aware of their duty to have regard to the Code. The Authority is classed as a relevant authority.

The SCC published the Surveillance Camera Code of Practice in June 2013 which set out new guidelines for CCTV systems and automatic number plate recognition (ANPR) in the form of '12 Guiding Principles'.

1.5.4 Policy Development

Following publication of the Surveillance Camera Code of Practice, in 2016 the SCC launched a self-assessment toolkit to encourage relevant authorities and organisations to consider how well they were complying with it and the 12 Guiding Principles.

Both completion of the self-assessment tool and submission of the outcome to the SCC is entirely voluntary. But relevant authorities are encouraged to participate, and the Authority has done so.

The following key areas have been identified within the self-assessment:

- The Authority, like many other relevant authorities, does not manage all its CCTV systems centrally. This is because some are connected to PFI buildings, some are third party systems monitored by the Security & Resilience Team under service level agreements or contract arrangements, and others are being operated by our strategic delivery partners

- There are a variety of different types of CCTV systems being used across the Authority's estate, for example re-deployable, static and mobile systems
- There are inconsistencies in the approach to audit and review arrangements.

Introducing a CCTV policy provides a framework to centrally co-ordinate the use of the Authority's CCTV systems therefore giving additional assurance that the relevant compliance standards are being met.

1.5.5 Corporate Responsibilities

The SCC has requested that each relevant authority nominate a Senior Responsible Officer (SRO). The role of SRO is undertaken by the Authority's Data Protection Officer.

Guidance from the SCC states that the SRO should ensure that appropriate procedures and processes in place and that these are monitored and adhered to. Implementation of the CCTV policy that has been developed; although not a statutory requirement; is an important step in ensuring compliance and providing central oversight of that.

The SRO is responsible for maintaining an Asset Register of CCTV equipment and where these assets are deployed.

Each Head of Service is responsible for ensuring effective and legally compliant systems and procedures are in place within their service areas.

Each service area will have a nominated Responsible Officer for each CCTV system.

All employees connected with surveillance and handling of evidence are responsible for ensuring that they act only in accordance with their level of responsibility and training and in accordance with this Policy and associated documents. To assist in this an 'Employee: Code Assessment Pack', has been prepared. The pack provides key information for Officers and directs them towards key sources of detailed guidance. It will be kept under review and revised as necessary to ensure it reflects current procedures and best practice.

All staff involved in the deployment and use of CCTV systems will receive appropriate training.

1.5.6 Compliance and Oversight

The CCTV policy will be reviewed annually and brought back to Cabinet for approval.

The Authority will also consider internal reports on the use of CCTV to ensure that it is being used consistently in compliance with the policy and that it remains fit for purpose.

1.5.7 Next Steps

Should Cabinet approve the CCTV policy it will then be promoted across the Authority under the direction of the SRO. Responsible Officers who have been designated as having responsibility for CCTV systems they operate and will have a key role to play in making the necessary adjustments to ensure compliance with it.

The policy will be published on the Authority's website and internally on the intranet. A new programme of training for relevant managers and officers who use CCTV systems will also be undertaken.

The opportunity to apply to the SCC's third-party certification process will also be explored. This is a scheme that enables relevant authorities to certify their CCTV systems against the Surveillance Camera Code of Practice. This will enable the Authority to use the SCC's certification mark and provide further assurance of the Authority's compliance standards.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Approve the Authority's policy on CCTV attached as Appendix 1 and grant delegated authority to the Head of Law and Governance to implement the policy.

Option 2

Request Officers to revise the draft policy and/or provide additional information regarding any matters contained in this report.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended.

Although not a statutory requirement, the introduction of this policy will provide a framework to centrally co-ordinate the use of the Authority's CCTV systems therefore giving additional assurance that the relevant compliance standards are being met.

1.8 Appendices:

Appendix 1: Draft CCTV Policy

1.9 Contact officers:

Wendy Rochester, Information Governance Manager, Law and Governance, tel. (0191) 643 5620

Emma Phillips, Senior Information Governance Officer, Law and Governance, tel. (0191) 643 8785

Stephen Ballantyne, Legal Manager, Governance and Employment, tel. (0191) 643 5329

Colin MacDonald, Senior Manager, Technical and Regulatory Services, tel. (0191) 643 6620

Lindsey Ojomo, Resilience, Security and Community Safety Manager, tel. (0191) 643 6484

David Dunford, Acting Senior Business Partner, tel. (0191) 643 7027

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

(1) [Surveillance camera code of practice, Home Office \(July 2013\)](#)

- (2) [In the picture: A data protection code of practice for surveillance cameras and personal information, Information Commissioner's Office \(June 2017\)](#)
- (3) [Covert Surveillance Policy \(RIPA\), North Tyneside Council](#)
- (4) [Introducing a Single Point of Contact, SCC March 2016](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The provisions of the policy can be implemented within the existing resources of the Law and Governance Service.

2.2 Legal

The legislative controls which enable the lawful use of surveillance systems are explained in Section 1.5.3 of this report.

Introduction of the policy is aimed at providing further assurance that the Authority continues to comply with its legal obligations including the statutory Surveillance Camera Code of Practice and guidance issued by the Office of the Surveillance Camera Commissioner.

This is an Executive function and in accordance with the provisions of the Local Government Act 2000 and the Regulations made under that Act this matter is one that falls to Cabinet to consider and determine.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The policy has been developed in consultation with the Environment, Housing and Leisure management team which includes Security who operate the CCTV control room. It has also been considered by the Cabinet Member for Community Safety and Engagement. Comments received have been incorporated.

2.3.2 External Consultation/Engagement

There is little opportunity for external consultation and engagement to be able to shape the policy. All relevant legislation, the Surveillance Camera Code of Practice, the SCC's self-assessment tool and other available guidance has been used to shape the framework and content of the policy.

2.4 Human rights

There are no human rights implications directly arising from this report. The proposed policy as described in the report aims to provide further assurance that the Authority is compliant with its legal obligations and therefore does not unlawfully interfere with an individuals' right to respect for private and family life.

2.5 Equalities and diversity

There are no equality and diversity implications directly arising from this report.

2.6 Risk management

Implementation of the policy aims to further manage the risks of non-compliance with the statutory obligations of operating CCTV systems. Risks associated with the Authority's use of CCTV systems is managed through the established corporate risk management arrangements.

2.7 Crime and disorder

The primary use of CCTV systems within the Authority is to prevent and detect crime. It is known that residents are becoming increasingly concerned about anti-social behaviour and; in particular; environmental crime in the borough. This is outlined in Section 1.5.2 of the report.

Introduction of the policy will provide further assurance that the Authority continues to comply with its legal obligations and in so doing be able to lawfully use evidence recorded to support prosecution of offenders where a crime has been committed.

2.8 Environment and sustainability

The report outlines at Section 1.5.2 that CCTV systems are increasingly being deployed to tackle known hotspots for environmental crime. This is playing a vital role in improving and protecting the environment across the borough and assists the additional officer capacity that has been introduced.

PART 3 - SIGN OFF

- Chief Executive X
- Head of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Head of Corporate Strategy and Customer Service X