

# North Tyneside Council

## Report to Cabinet

### Date: 29 November 2021

#### Title: CCTV Policy

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<b>Portfolio:</b>	<b>Cabinet Member responsible for Community Safety and Public Protection</b>	<b>Cabinet Member:</b>	<b>Councillor Carole Burdis</b>
<b>Report from Service Area:</b>	<b>Law and Governance</b>		
<b>Responsible Officer:</b>	<b>Bryn Roberts, Director of Law and Governance</b>		<b>Tel: (0191) 643 5339</b>
<b>Wards affected:</b>	<b>All</b>		

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#### **PART 1**

##### **1.1 Executive Summary:**

The Authority operates closed-circuit television (CCTV) systems which are used in Authority buildings, on its refuse collection vehicles, and in some public spaces within the Borough. 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 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 the annual review of the CCTV policy for approval by Cabinet. Although not a statutory requirement, this 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.

##### **1.2 Recommendation:**

It is recommended that Cabinet:

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

2. delegate authority to the Director 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 24 September 2021.

### **1.4 Council Plan and Policy Framework**

This report relates to the following priorities in the 2020-2024 Our North Tyneside Plan:

Our places will:

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

### **1.5 Information:**

#### **1.5.1 Introduction**

The Authority operates a number of closed-circuit television (CCTV) systems which are located in the Authority's buildings, on its refuse collection vehicles as well as some public spaces. 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 is annually 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 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.

The Authority has upgraded its static public space CCTV system 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.

Officers also have scope to use Body Worn Video (BWV) equipment which is a portable system that provides an audio and visual record of enforcement activities undertaken by the wearer. The use of BWV can provide a number of benefits which include a deterrent to acts of aggression or verbal and physical abuse toward employees and providing evidence to support Police and Authority investigations.

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 2018
- 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 Corporate Responsibilities

The SCC 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 are 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 Director 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.

#### 1.5.5 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.

#### 1.5.6 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 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, this policy provides a framework to centrally coordinate 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, Team Leader Information Governance, Law and Governance, tel. (0191) 643 8785

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

Richie Mitchell, Community Protection Manager, tel. (0191) 643 7710

David Dunford, Senior Business Partner – Strategic Finance (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 in accordance with the provisions of the Local Government Act 2000 and the Regulations made under that Act. This matter is one that therefore 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 Public Protection. 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**

. 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' qualified right to respect for their private and family life under Article 8 of the Human Rights Act 1998.

## **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
- Director of Service  X
- Mayor/Cabinet Member(s)  X
- Chief Finance Officer  X
- Monitoring Officer  X
- Assistant Chief Executive  X