

PDRC Meeting	
Meeting Date	Wednesday 4 th March 2020
Report Title	Draft Public Space CCTV Policy
Cabinet Member	Cllr Richard Palmer, Cabinet Member for Communities
SMT Lead	Emma Wiggins
Head of Service	Charlotte Hudson
Lead Officer	Stephanie Curtis
Key Decision	Yes
Classification	Open
Recommendations	1. That PDRC discusses this draft policy, prior to it being agreed by Cabinet on the 22 nd April 2020.

1 Purpose of Report and Executive Summary

- 1.1 This report seeks Policy, Development and Review Committee to discuss this draft Public Space CCTV Policy, prior to be it being approved by Cabinet on the 22nd April 2020.

2 Background

- 2.1 From April 2020, the Public Space CCTV Service will be managed in-house by Swale Borough Council from the new purpose-built Control Room. In order to ensure that the service is operated within its Legal requirements, it is essential that the correct Policy and procedures are in place.
- 2.2 The draft Public Space CCTV Policy discusses the objectives of the CCTV System; the legislation that must be complied with; responsibilities within the Council; deployment of cameras; monitoring and access to images; maintenance; transparency; security; and health and safety.
- 2.3 The draft policy has been written bearing in mind the need to comply with the Surveillance Camera Code of Practice and its 12 guiding principles.
- 2.4 Operational procedures will also be drawn up that will embed the principles of this Policy into day to day activity within the CCTV Control Room.

3 Proposals

- 3.1 That PDRC discusses this draft policy, prior to it being approved by Cabinet on the 22nd April 2020.

4 Alternative Options

- 4.1 'Do nothing' – To not put a Public Space CCTV Policy in place. This is not recommended as its vital that the Service is operated in line with its legal obligations. Although operational procedures would be in place that would seek to ensure this, an overarching Policy ensures that the whole organisation is aware of how the service needs to be operated.

5 Consultation Undertaken or Proposed

- 5.1 It is proposed that in the next stage of development of this Policy, that consultation takes place with PDRC.
- 5.2 Consultation will also take place on this Policy with Kent Police to ensure that in particular it meets their requirements for the use of their airwaves radio.

6 Implications

Issue	Implications
Corporate Plan	This Policy supports the Corporate Plan priority 'tackling deprivation and creating equal opportunities for everyone' and the objective of 'ensuring that the council plays a proactive role in reducing crime and ASB, including through the modernisation of CCTV provision'.
Financial, Resource and Property	There are no additional finance, resource or property implications in implementing this policy that would not have been addressed in the implementation of the operational procedures for the service. This includes security measures being put into place to control access to the control room; and management of deployment of CCTV Cameras.
Legal, Statutory and Procurement	<p>There is no Statutory Duty to deliver CCTV. However Section 17 of the Crime and Disorder Act 1998 places an obligation on local authorities to consider the crime, disorder and environmental issues affecting the local area and ensure their activities do all they reasonably can to prevent them. The implementation and monitoring of CCTV is one such activity delivered by Swale Borough Council that ensures this obligation is met.</p> <p>The Surveillance Camera Code of Practice provides guidance on how all public space CCTV services should be managed. This needs to be borne in mind along with the Data Protection Act in compiling all working practices that will surround the new service. The Policy has been written utilising a self-assessment checklist for the Surveillance Camera Code of Practice to ensure that it covers all the necessary requirements.</p>
Crime and	The policy details the main objectives of the Public Space CCTV

Disorder	service. This are principally to prevent and deter crime and Anti-Social Behaviour (ASB).
Environment and Sustainability	No environment and sustainability implications have been identified at this stage.
Health and Wellbeing	The delivery of the Public Space CCTV service seeks to create safer communities - not only in a sense of feeling safer, but also by reducing the risk of physical injury. It also provides a service to protect vulnerable members of the community e.g. those that go missing. The latter is identified as one of the objectives of the service within the Policy.
Risk Management and Health and Safety	A risk assessment for the overall service is being completed. Health and Safety considerations will be factored into operational procedures.
Equality and Diversity	An Equality Impact Assessment has been completed for the overall scheme to implement the new CCTV Delivery Model. No specific implications on groups with protected characteristics have been identified.
Privacy and Data Protection	Ensuring privacy and data protection is a key part of delivering the CCTV Service. A DPIA has been drafted for the Service and additionally one needs to be completed for the Surveillance Camera Commissioner. These will ensure all privacy considerations are made as part of this Policy and in operational procedures.

7 Appendices

Appendix I: Draft Public Space CCTV Policy

8 Background Papers

There are no background papers.

Swale Public Space CCTV Policy 2020 – 2023

1. Introduction

- 1.1 Swale Borough Council operates a public space CCTV system across the borough in its town centres and other locations where there is an identified need due to levels of crime and anti-social behaviour (ASB).
- 1.2 The system is installed and operated with full consideration for the privacy impact on communities and the legal requirements within which it must adhere to.
- 1.3 This document, along with operational procedures, are designed to give clear guidelines to Swale Borough Council on the use of CCTV.
- 1.4 This policy covers the commissioning of CCTV equipment; and the gathering, storage, use and disposal of visual image data.
- 1.5 The system has been notified to the Information Commissioners Office.

2. Objectives of Council Public Space CCTV System

- 2.1 Swale Borough Council operates its public space CCTV system in compliance with the Information Commissioners CCTV Code of Practice. This states that CCTV use may be necessary to address one of the following – crime prevention (including ASB); Public Safety; and/or National Security.
- 2.2 The Crime and Disorder Act 1998 places an obligation on local authorities to consider the crime, disorder and environmental issues affecting the local area and ensure their activities do all they reasonably can to prevent them. The implementation and monitoring of CCTV is one activity delivered by Swale Borough Council that contributes towards this obligation as it is one of the regulated authorities that can offer this service to the community.
- 2.3 It is important that those operating the system understand exactly why it has been installed and what the cameras may be used for. The Swale Public Space CCTV System will be used for the following reasons:
 - Help to Prevent and Detect Crime and Anti-Social Behaviour;
 - Provide quality evidence to support Police investigations and prosecutions;
 - To safeguard the most vulnerable members of the community;

- To support the management of emergencies or major incidents, along with ongoing out of hours assistance;
 - To address Public Safety;
- 2.4 The CCTV system will not be used for any other purpose other than those set out above.
- 2.5 A number of mobile CCTV cameras are used by the Council to provide short term CCTV coverage of public spaces identified as hotspot locations for crime or disorder and/or to assist Council Departments in carrying out their regulatory, investigatory and enforcement duties.

3. Legislation

- 3.1 Swale Borough Council's Public Space CCTV System will be operated subject to legislation below:
- Information Commissioners Surveillance Code of Practice and the 12 guiding principles (See Appendix 1)
 - Data Protection Act (2018)
 - Human Rights Act (1998)
 - The Freedoms of Information Act (2000)
 - The Regulation of Investigatory Powers Act (2000)
 - The Protection of Freedoms Act (2012)
- 3.2 It will be ensured that the Swale Public Space CCTV system is operated with in the recommended BS7958 CCTV Management and Operation Code of Practice, within a year of its operation beginning.

4. Responsibility

- 4.1 The Swale Borough Council CCTV Single Point of Contact (SPOC) will be the Economy and Community Service Manager – Community Safety. This person will have direct control of the CCTV System. This role will include:
- Ensure that procedures are in place for the CCTV System to be operated in a compliant manner with appropriate legislation;
 - Ensure that authorised staff use the CCTV system appropriately and taking appropriate disciplinary action if required;
 - Giving guidance and advice on the procurement, specification, operation and maintenance of all CCTV systems used by the Council;
 - Advising the Council Officers and Elected Members on all CCTV related matters Maintaining an inventory of all CCTV systems operated by the Council;
 - Responsible for liaison with all partners in, and users of, the CCTV system; this includes the supervision of access to any images obtained by CCTV.

- 4.2 The CCTV SPOC details will be published on the Swale Borough Council website.
- 4.3 CCTV Operators will ensure that, at all times, the CCTV system is operated in accordance with its policy and all procedural instructions. They will bring to the immediate attention of the CCTV Supervisor or CCTV SPOC any matter that may affect the operation of the service. This will include any breaches, or potential breaches of the policy, procedures, security or data or confidentiality.
- 4.4 CCTV Operators will be regularly vetted for handling of personal data and images. They will also be required to hold a valid Security Industry Authority (SIA) licence.
- 4.5 The CCTV SPOC will ensure that the CCTV Supervisor and CCTV Operators are made aware of the CCTV Policy and associated procedures as part of their induction process. There will be regular training to ensure their continued competence especially related to relevant operational, technical, privacy consideration, policies and procedures. This will be monitored through staff appraisal and one-to-one processes.

5. Deployment of CCTV cameras

- 5.1 It is vital that in the deployment of any public space CCTV Cameras that serious consideration is given to their necessity and the impact on the privacy of individuals using the area where cameras are installed, inline with the Code of Practice and guiding principles.
- 5.2 Other, less intrusive solutions must be considered to resolve a problem prior to the installation of CCTV.
- 5.3 Any requests for the installation of public space CCTV must be discussed with the CCTV SPOC. There will be consultation with Kent Police to determine if there is the evidence of reported crime or ASB concerns, or another justification for community safety purposes. This will include the volume and frequency of incidents, the risk level of the victim and if they are a repeat victim and if there is under reporting in the area. Consideration will also be given to the other solutions already tried to resolve the problem and how it is felt that CCTV will resolve the problem. If required, there will also be consultation with other partner agencies and communities to determine if there is a legitimate aim and pressing need for the camera.
- 5.4 If based upon the level of evidenced need and justification for its deployment, additional CCTV is agreed, any equipment installed must be of suitable quality to address this need. The equipment must be regularly maintained.
- 5.5 If a need for additional CCTV is identified, any new deployments would require a Data Privacy Impact Assessment (DPIA) to be completed.

- 5.6 There will be a regular review of all deployments of CCTV Cameras to ensure that their necessity remains. The CCTV Decommissioning procedures will be utilised should this need no longer remain. Consultation as part of this will take place with Kent Police and other appropriate partners/community members.
- 5.7 The Council operates a small number of mobile CCTV cameras. These are deployed to areas of increase crime/ASB and locations are agreed in conjunction with Kent Police where the need is evidenced. They are deployed for a limited period and their impact is continually assessed.
- 5.8 The Council does not operate 'dummy' cameras as these give a false sense of security to the public who may otherwise have avoided an area under 'real' monitoring.
- 5.9 CCTV cameras will not be installed in a way that they can view into private space such as private dwellings.
- 5.10 None of the cameras forming part of the public space CCTV System will be installed in a covert manner.
- 5.11 All areas where CCTV is deployed will have suitable signage that is compliant with the CCTV Code of Practice. The signage includes the reasons for the operation of the CCTV cameras and a point of contact for further information.
- 5.12 This policy does not cover the use of Body Worn Cameras, these are covered by a separate policy.
- 5.13 Additional functionality of the CCTV Cameras including the use of analytical software, automatic number plate recognition (ANPR) software and facial recognition may be used if it is felt necessary to meet the crime prevention needs of that camera system. Any Data Protection Impact Assessments (DPIA) will take this into consideration if started to utilise.

6.0 Monitoring and access to images

- 6.1 The CCTV Control Room will be staffed by Swale Borough Council employees. The cameras will be monitored for the periods of highest crime and ASB.
- 6.2 The equipment will be capable of recording all cameras simultaneously throughout every 24 hour period. Recorded data is stored onto a hard drive and automatically deleted after 28 days.
- 6.3 A live data feed will be made available for Kent Police's Force Control Room at Maidstone.
- 6.4 Recorded images from any camera for evidential purposes shall be managed by the CCTV Control Room.

- 6.5 CCTV Operators are able to record images from selected cameras in real-time, produce hard copies of recorded images, replay or copy any pre-recorded data in accordance with this Policy and procedure documents. Only trained, authorised and licensed officers shall operate viewing and recording equipment. Reviews will only be undertaken for a specific, legitimate purpose, inline with the CCTV Control Room Procedures.
- 6.6 The intentions of the CCTV system has a clear, defined purpose in pursuit of a legitimate aim. The data held is appropriate for the objectives of the system. The system captures, processes, analyses and stores images and data at a quality which is appropriate for its defined purpose. The data or images will not be held for longer than necessary in accordance with its objectives.
- 6.7 As the purpose of the CCTV system includes crime prevention, detection and investigation, it must be capable of providing images and other data which are of evidential value to the criminal justice system and shared with Police and other statutory agencies. Effective safeguards will be in place to ensure that the integrity of the recorded images and data. A recorded audit trail will be in place as agreed in the CCTV Control Room procedures. Should any recorded media not be collected within 28 days of it being made, it will be destructed inline with the control room procedures.
- 6.8 Images recorded may be required by authorised Council officers for lawful purposes in connection with the Council's statutory duties.
- 6.9 The CCTV System may be able to assist in third party insurance claims in relation to road traffic collisions. Such requests will only be processed if received in writing from the insurance company formally, as agreed in the CCTV Control Room Procedures.
- 6.10 Any subject access requests will be handled inline with the Council' subject access procedures.

7.0 Maintenance

- 7.1 To ensure compliance with the Information Commissioner's CCTV Code of Practice and to ensure images recorded continue to be of appropriate evidential quality, the system shall be maintained in accordance with the requirements of the CCTV Procedures under a maintenance agreement.
- 7.2 The maintenance arrangements will make provision for regular service checks of all equipment including cleaning and checks/minor adjustments to the equipment settings.
- 7.3 The maintenance arrangements will make provision for 'emergency' attendance on site by a CCTV engineer to rectify any loss or severe degradation of image or camera control. This will include maximum time periods for attendance and repair, depending on the severity of the impact.

- 7.4 It is the responsibility of the CCTV Control Room to ensure that appropriate maintenance records are kept.
- 7.5 Provision will be made to ensure that equipment is replaced that is reaching the end of its serviceable life.
- 7.6 There will be regular checks to determine if there is any foliage obstructing the view of the cameras and necessary cutting will be arranged.

8.0 Transparency

- 8.1 This CCTV Policy, performance information and any reviews of the system will be made publicly available to demonstrate transparency to those persons that the system is monitoring.
- 8.2 In the development or review of a CCTV scheme, consultation and engagement will take place with all relevant parties and partners to determine if CCTV is a proportionate response.
- 8.3 Any complaints in relation to the operation of the CCTV System should be addressed through the Council corporate complaints process.
- 8.4 A Data Protection Impact Assessment (DPIA) will be completed for the CCTV System and reviewed on a regular basis. An additional one will be completed if there are fundamental changes to the system such as large equipment upgrades.

9.0 Security

- 9.1 Authorised personnel will normally be present at the Control Room at all times when monitoring is in progress. At times when the control room is not being monitored, it will be kept secure.
- 9.2 The Control Room will be secured at all times and only accessed through an access control system. CCTV will be installed to cover the entrance to the control room for security purposes.
- 9.3 In the event of the control room being evacuated for safety or security reasons, the CCTV Procedure manual will be followed.
- 9.4 The CCTV Recorders are kept in a secure room within Swale House. These can only be accessed by authorised Council officers.
- 9.5 Access to the Control Room will be strictly limited. Where there is a requirement for an authorised officer to attend or an officer from another statutory service, their attendance will be logged as per the operational procedures. Other visitors may be agreed in conjunction with the Economy and Community Services Manager.

- 9.6 Visitors to the Control Room that have not been Police vetted should not be able to hear any police broadcasts through the Police radio system. The Police radio should be turned off or down, or visitors asked to leave.
- 9.7 The Police radio is not to be removed from the control room, unless authorised by Kent Police or the Economy and Community Services Manager.
- 9.8 Appropriate controls and safeguards will be put into place to protect the recorded data from cyber security threats.

10.0 Health and Safety

- 10.1 The CCTV Control Room will be operated inline with the Council's health and safety policies and procedures. This will include lone working procedures. Any additional measures for the control room will be included within the operational CCTV procedures and risk assessment.

Appendix 1: The guiding principles of the Surveillance Camera Code of Practice

System operators should adopt the following 12 guiding principles:

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.

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.

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.

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

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.

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.

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.

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.

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

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.

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.

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.