

POLICY AND RESOURCES SCRUTINY COMMITTEE

10 JUNE 2021

COUNCIL CCTV POLICY

To consider and comment on the following issues:

To consider and scrutinise the content of the Council CCTV Policy

Recommendations / key decisions required:

1. To approve the new corporate policy relating to council-owned CCTV systems in public places
2. Heads of Service to review the departmental leads to assist with implementation of the policy
3. To recommend to schools that they should adopt the principles of this policy.

Reasons:

There is a need for effective governance arrangements to be in place to ensure the Council's use and management of its public space CCTV camera systems is compliant with the Protection of Freedoms Act (POFA) 2012.

It is also important to embed a consistent approach across the Council in relation to all aspects of its CCTV systems.

To be referred to the Executive Board for decision: YES

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:

Cllr Ann Davies (Communities and Rural Affairs)

Directorate: Chief Executive's	Designations: Head of ICT and Corporate Policy	Tel / Email addresses: 01267 224202 khharrop@carmarthenshire.gov.uk
Name of Head of Service: Noelwyn Daniel	Community Safety Manager	
Report Author: Kate Harrop		

EXECUTIVE SUMMARY
POLICY AND RESOURCES SCRUTINY COMMITTEE
10 JUNE 2021

Council CCTV Policy

The Council has in excess of 90 CCTV systems with over 600 cameras in premises plus 79 vehicles with around 250 cameras and also approximately 25 body worn cameras. Departments use surveillance camera devices for various purposes including cameras within its premises and car parks as well as on the highway, body worn video camera equipment, and automatic number plate recognition.

The Council has a duty, under the Protection of Freedoms Act (PoFA) 2012, to pay due regard to the [Home Office Surveillance Camera Code of Practice](#) in 2013 which relates to CCTV cameras in public places. The Surveillance Camera Commissioner's Code has 12 guiding principles to ensure there is a clear rationale for all cameras, that their use is proportionate and transparent, that systems are run effectively and can provide good quality images:

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 cameras 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.

The Surveillance Camera Commissioner requires each Local Authority to identify a Senior Responsible Officer to deliver a corporate approach to their responsibilities under the POFA. This role is being undertaken by Noelwyn Daniel, Head of ICT and Corporate Policy.

A corporate review in 2015 aimed to audit council camera systems in public places, review levels of compliance with the Code, identify any areas of improvement, optimise service cost and delivery and develop any guidance needed by departments. An officer working group was then established in 2017, consisting of leads from departments with CCTV systems, to implement the review's recommendations. Significant work has been undertaken to put in place the required documentation to comply with the Code of Practice including Self-Assessment Templates (SATs) and Data Protection Impact Assessments (DPIAs).

This policy has been developed to ensure both compliance with the Code of Practice by all relevant services and to ensure a consistent approach to the gathering, storage, use and disposal of CCTV system recorded data. This policy covers all overt CCTV systems used by the Council but does not cover Carmarthenshire schools.

In addition to implementing the Council policy for CCTV, future areas of work include:

- standardising and updating SATs for each system, ensuring these are published on the council's website alongside the DPIAs, with annual reviews of all documents
- introduction of corporate signage
- common approach introduced for the planning and commissioning of new systems and amendments to existing ones, including a public consultation approach
- ensuring details of all CCTV systems, policy documents, legislation, procedures and templates are available on the intranet
- applying for third-party certification to demonstrate the council is adhering to the highest standards and that the cameras are being used proportionately, effectively and efficiently.

A bid for a 12 month dedicated resource to lead on the delivery of this work, in liaison with departmental leads, is to be made to the Risk Management Steering Group.

DETAILED REPORT ATTACHED?

YES
Council CCTV Policy

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: Noelwyn Daniel, Head of ICT and Corporate Policy

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	NONE	NONE	NONE	YES	NONE

Policy, Crime & Disorder and Equalities

By implementing the CCTV Policy and ensuring a corporate approach to meet the requirements of the Surveillance Camera Commissioner, the council will continue to utilise surveillance camera devices to reduce crime and disorder locally, in line with Section 17 of the Crime and Disorder Act 1998.

Legal

The Council has a duty, under the Protection of Freedoms Act 2012, to pay due regard to the Home Office Surveillance Camera Code of Practice 2013 which relates to CCTV cameras in public places. A failure on the part of any person to act in accordance with any provision of this code does not of itself make that person liable to criminal or civil proceedings. This code is, however, admissible in evidence in criminal or civil proceedings, and a court or tribunal may take into account a failure by a relevant authority to have regard to the code in determining a question in any such proceedings and could ultimately result in the Council having to pay compensation.

Staffing Implications

Meeting the Code of Practice's requirements has involved additional staff resources to date. Implementation of the policy and the additional areas identified will involve a further commitment to be undertaken by relevant officers in the Council and also a dedicated resource if made available.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Noelwyn Daniel, Head of ICT and Corporate Policy

1. Scrutiny Committee - NA
2. Local Member(s) - NA
3. Community / Town Council - NA
4. Relevant Partners - NA
5. Staff Side Representatives and other Organisations - NA

**EXECUTIVE BOARD PORTFOLIO
HOLDER(S) AWARE/CONSULTED**

YES

Cllr Davies is aware of the background to this report and the new policy

Title of Document	Locations that the papers are available for public inspection
Home Office Surveillance Camera Code of Practice 2013	https://www.gov.uk/government/publications/surveillance-camera-code-of-practice Or available through Kate Harrop khharrop@carmarthenshire.gov.uk 01267 224202