

Report To:	CABINET	DATE:	20th SEPTEMBER 2021
Heading:	ASHFIELD DISTRICT COUNCIL - CCTV POLICY		
Portfolio Holder:	DEPUTY LEADER CLLR HELEN-ANN SMITH AND PORTFOLIO HOLDER FOR COMMUNITY SAFETY AND CRIME REDUCTION		
Ward/s:	ALL		
Key Decision:	YES		
Subject to Call-In:	YES		

Purpose of Report

To review the Council's new Closed-Circuit Television (CCTV) and Surveillance Policy and consider its approval to support the control and management of CCTV, Body Worn Video (BWV) and Noise Monitoring Equipment used by the Council.

The Policy provides clarity for the Council, its Members, employees, contractors, and any other parties involved in the operation, management and administration of CCTV systems and recording devices, as well as the hierarchy of responsibilities which exist to ensure that these systems are operated in a compliant manner.

It is also intended to inform members of the public of the purposes for which surveillance equipment is operated, and of the standards which will be met in relation to its use. In this way, the Council can be held accountable for its compliance with the Policy.

Recommendation(s)

1. Note the work that has been undertaken and which is ongoing to ensure lawful compliance and good governance in the operation and use of the Council's surveillance systems.
2. Approve the Council's Policy and associated governance arrangements for CCTV and surveillance equipment.
3. To authorise a one-off budget of £4,000 to replace signage for CCTV across the District.

Reasons for Recommendation(s)

To authorise the policy and associated documentation to ensure that the Council is exercising its duties and functions in accordance with the law and associated codes of practice set out by the Surveillance Camera Commissioner.

Alternative Options Considered

That the Council does not authorise the policy which may lead to the Council not fulfilling its legal obligations in relation to CCTV, surveillance, and associated codes of practice. This is not recommended.

Detailed information

The Council has an extensive and established approach to CCTV. It has public space CCTV cameras across the District which are monitored from the control room situated at Nottinghamshire Police Headquarters, Sherwood Lodge, Nottingham. This arrangement is part of the Council's partnership agreement with Newark and Sherwood District Council and Broxtowe Borough Council dated 31st March 2019.

The use of CCTV supports the Council's Safer and Stronger priority, with a particular focus on tackling crime and anti-social behaviour and will continue to support the work of the Community Safety Partnership to maintain enforcement activity and improve the feeling of safety of those living in, working in, and visiting the District.

Objectives of CCTV

The objectives of the system are:

- To prevent and detect crime and disorder
- To assist in tackling anti-social behaviour and environmental crime
- To help reduce the fear of crime
- To promote community confidence
- To enhance community safety, boost the economy and encourage greater use of the town centre/shopping areas, etc.
- To assist in supporting criminal and civil proceedings
- To protect Council and private buildings and assets
- To assist in the safety and wellbeing of the public, Council employees and contractors.

Equipment

The Council operates CCTV that is situated in town centres, neighbourhoods and car parks across the District. Furthermore, employees and contractors of the Council that undertake public enforcement roles also wear body-mounted cameras to support enforcement duties which provides protection whilst carrying out their role. The Council also has CCTV in fleet vehicles and installs noise monitoring equipment into private dwellings, all of which need to comply with legislative requirements as explained in the draft policy and associated documentation.

The draft policy does not govern the Council's use and operation of CCTV used in Council buildings, housing complexes or courts, which are covered separately.

Surveillance

The Surveillance Camera Commissioner has a duty to ensure that authorities are complying with the Protections of Freedom Act 2012, UK GDPR and the Data Protection Act 2018 in respect of surveillance cameras and to ensure that they have appropriate governance and policies in place to demonstrate compliance. As a data controller the Council is obliged to comply with all relevant legislation and the codes of practice issued by the Surveillance Camera Commissioner.

As part of the CCTV review, in tandem to developing a new policy, a complete audit of the Council's Public Space CCTV system, surveillance devices and shared service provisions has been undertaken. This includes visual inspections of equipment and refreshed procedure manuals.

As part of the audit, new Data Protection Impact Assessments have also been undertaken to ensure compliance with UK GDPR requirements. These assessments are currently under review by the Council's Data Protection Officer (Director of Legal and Governance).

As part of the inspection, the operation and lawful justification for the cameras in their various locations have been assessed in tandem to the processes for storing, handling and accessing data recorded from the cameras to our CCTV control room. The Council works very closely with Nottinghamshire Police and frequently receives requests for access to CCTV footage by police officers as part of criminal investigations. The processes and powers to release this data to the Police is managed well and the requirements for this have been set out in the proposed policy.

The new policy provides clear guidance on the justification and lawfulness of cameras, as well as providing processes for dealing with data and, where necessary, highlighting other policies which need to be considered.

Recommendations

It is recommended that the policy is adopted to ensure compliance with all legislative requirements. As part of the recent audit it is also recommended that the Council reviews its Privacy Notice and adopts an e-Learning training package for using Body Worn Video (BWV) devices. This is now in progress.

It has also been identified that new signage is required at a number of CCTV locations across the District. Costs for this have been identified below.

Cost

Signage costs are estimated to be approximately £4,000. It is proposed that this is funded from the Asset Repair and Renewal Reserve. There are no additional financial implications or commitments required for the adoption of the policy.

Implications

Corporate Plan:

CCTV is a key factor within the Council's Corporate Plan and commitments set out for creating a safer and stronger District. This will help to ensure an effective response by working with statutory partners to support people feeling safer and placing a greater emphasis on identifying anti-social behaviour and enviro-crime throughout the District.

Legal: [RLD 03/09/2021]

The Council's use of CCTV must accord with the legislative requirements of the Human Rights Act 1998, the UK GDPR, the Data Protection Act 2018 and the Protection of Freedoms Act 2012.

Section 17 of the Crime and Disorder Act 1998 imposes a statutory duty upon the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); the misuse of drugs, alcohol and other substances in its area; and re-offending.

The current arrangements are therefore provided in support of the Council's wider crime and disorder duties set out in Section 17 of the Crime and Disorder Act 1998. Management of the CCTV system will continue to be undertaken in partnership with Newark and Sherwood District Council and Broxtowe Borough Council under a formal agreement.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	A one-off budget approval of approximately £4,000 will be required to meet the costs identified. It is proposed that this is funded from the Asset Repair and Renewal Reserve.
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Risk:

Risk	Mitigation
Lack of Compliance	The Council risks being fined if it fails to comply with the relevant legislation. There is also a significant reputational risk if the Council is not controlling and monitoring the use of CCTV effectively. Therefore approving this policy will ensure the Council has a governance framework in place to ensure the management of CCTV provisions across the District.

Human Resources:

No direct implications.

Equalities:

There are no specific equalities impacts as a result of adopting this policy. However, the installation of new CCTV cameras across the District will require the completion of an additional privacy impact assessment which would highlight any equalities issues. A privacy impact assessment has been

completed for all existing public CCTV and surveillance equipment (BWV and Noise Monitoring equipment) operated by Ashfield District Council as part of this review.

Reason(s) for Urgency

Not applicable.

Reason(s) for Exemption

Not applicable.

Background Papers

CCTV and Surveillance POLICY 2021

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