

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> 20 October 2011	<b>Meeting Name:</b> Cabinet Member for Finance, Resources and Community Safety
<b>Report title:</b>		Southwark Council Close Circuit Television (CCTV) Code of Practice	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Environment and Leisure	

### RECOMMENDATIONS

1. That the Southwark Close Circuit Television (CCTV) Code of Practice set out in Appendix 1 be agreed.
2. That authority to agree future amendments to the CCTV Code of Practice is delegated to the Head of Community Safety and Enforcement.

### BACKGROUND INFORMATION

3. Southwark Council has a number of CCTV systems including a public space CCTV system that is 24/7 monitored by a CCTV monitoring suite, and standalone systems on housing estates and in other Council buildings.
4. The CCTV Code of Practice is designed to ensure the Council meets its legal obligations in operating CCTV systems, as well as reassuring the public that that the systems are being used appropriately and proportionately.
5. Southwark's CCTV Strategy includes a key action to '*Carry out an assessment and review to ensure that London Borough of Southwark CCTV cameras comply with the CCTV Code of Practice. This includes stand-alone systems not connected to the central monitoring suite*'. The existing CCTV Code of Practice focused mainly on the centrally monitored public space CCTV scheme and has been substantially revised to cover all CCTV used by the Council.

### KEY ISSUES FOR CONSIDERATION

6. The Council has a range of CCTV systems and their purpose and use varies:
  - The current stock of 160 fixed and redeployable cameras in the central public space system connected to CCTV Control Centres at Southwark Police Station and Cerise Road Car Park are predominantly in town centres and are used for community safety and road traffic management.
  - Re-locatable CCTV cameras (including vehicle mounted CCTV) are used for environmental enforcement by the Environment Enforcement Unit (Community Safety & Enforcement Division).

- CCTV systems on housing estates are used for building security and community safety.
  - CCTV in and around Council buildings such as libraries, the Town Hall and 160 Tooley Street are predominantly used for site security.
7. The Council has legal responsibilities for the way systems are managed and operated however large the system and whatever its purpose. The minimum standards set out in appendix 1 of the CCTV Code of Practice are designed to ensure the Council meets all its legal responsibilities. Systems that are not compliant with the data protection act could be subject to enforcement by the Information Commissioner's Office (ICO).
  8. As well as ensuring the Council complies with legal requirements, the minimum standards will ensure the Council's CCTV systems are fit for purpose and more effective at deterring or detecting crime and anti-social behaviour.
  9. The CCTV Team has completed works with the Facilities Management Service to review the operation and management of CCTV systems at the following sites: 160 Tooley Street, Town Hall, Spa Road and 151 Walworth Road. The CCTV Team has also provided training for Facilities Management staff and contractors to help them ensure they meet the minimum standards. The CCTV Team also developed supporting documentation for CCTV System managers to use to demonstrate compliance. The CCTV Team will continue to offer training for all Council CCTV system managers to help them ensure their CCTV schemes meet the minimum standards.
  10. The CCTV Team has undertaken survey work on Housing management owned CCTV systems. In addition to this, Housing Officers have had training briefings on CCTV systems and legal compliance. Specific training for newly appointed system managers will be completed by the end of October 2011.
  11. CCTV needs to have the confidence of the public in order to be effective. The Independent CCTV Visitors scheme is not currently operating. The Metropolitan Police currently have a lay visitor scheme which they use as a scrutiny function for areas such as custody. These individuals are trained and vetted volunteers who would make unannounced visits. Lay visitors have agreed to be used as a pool to conduct unannounced audits at the Council's Central CCTV control room to ensure probity.
  12. The minimum standards will not apply to the request, release and management of recorded images for the purposes of parking and traffic enforcement as the use of CCTV by the Council for the purposes of parking and traffic management enforcement is already governed by the London Councils' Code of Practice on CCTV enforcement for parking and traffic enforcement which provides very detailed guidance on the use of CCTV for these specific purposes. The minimum standards will apply for any use of the Council's parking CCTV other than for parking and traffic enforcement.
  13. The national coalition government's programme for government includes a commitment to further regulate CCTV in the section on Civil Liberties. Extending the CCTV Code of Practice to cover all the Council's CCTV systems will provide a good basis for the Council to respond to future regulatory requirements.

## Policy implications

14. Southwark's CCTV Strategy was agreed by the Executive in February 2010. The strategy aims "To make Southwark a safe place to live, work and visit. Making best use of CCTV systems across the borough is one way of enabling partners to achieve this".
15. One of the key themes of the CCTV Strategy is: 'Proportionate: all use of CCTV by Southwark Council will be proportionate and in line with the Council's CCTV Code of Practice'. It is therefore essential that the CCTV Code of Practice is up to date and applicable to all the Council's CCTV systems, not just the central public space system.

## Community impact statement

16. All areas of the borough are affected by crime, anti-social behaviour and fear of crime but they do not affect everybody equally. The Safer Southwark Partnership's annual strategic assessment process provides a framework for priority setting based on analysis and consultation.
17. Fear of crime varies across the community Council areas and impacts most on vulnerable groups such as the elderly, ethnic minorities groups and single women. Making people feel safer in their local environment can increase feelings of belonging and community cohesion, reduce both real and perceived levels of crime, and encourage people to spend more time out and about in their community, engaging with others and improving their health and well-being.
18. An equalities impact assessment was carried out on the CCTV Strategy which identified the importance of the CCTV Code of Practice under the theme 'proportionate':

*'use of CCTV by Southwark Council will be proportionate and in line with the Council's CCTV Code of Practice'*

The Council is aware that although there is a strong public demand for CCTV, not everyone supports it and some people have concerns about appropriate use, invasion of privacy and growth of a surveillance culture. The Council's CCTV Code of Practice governs the use of the CCTV system to ensure it meets legal requirements under legislation such as the Data Protection Act and the Regulation of Investigatory Powers Act. The CCTV Code of Practice is designed to ensure the system is only used appropriately, supported by documented procedures and audit trails. Public perception and confidence is essential for the effective operation of the system therefore the CCTV Strategy also needs to communicate to address this and work through the Community Safety Communications strategy to involve vulnerable groups and groups who could consider themselves inappropriately targeted.

The establishment of the independent visitors' scheme will assist public confidence. This will include a volunteer recruitment plan outlining what action the scheme will take to recruit a diverse group of visitors. Becoming an independent auditor will require a level of commitment that not everyone is able to make, so this should be augmented by inviting vulnerable groups to visit the monitoring suite and talks to community groups.

The Council's CCTV Code of Practice will be published on the Council's website. Information about individual's rights to access images of themselves ('personal data') is already available on the Council's website. This will be reviewed to assess if it needs to be provided in any other ways such as other languages in line with corporate guidelines.

19. The CCTV Code of Practice will ensure the Council's CCTV is being used proportionately and in line with legislative requirements.

### **Resource implications**

20. There are no direct resource implications arising from this report. However, the Housing Revenue Account (HRA) allocates £107,000 (11/12) to support the running costs of the CCTV scheme. Additional housing estate requests for camera repairs are recharged to the relevant estate cost centre. Staff resources for training and assisting CCTV schemes to comply with the minimum standards will be provided by the existing CCTV Team within the Community Safety and Enforcement Division. There could be financial implications if schemes are not compliant with the minimum standards, for example if image quality is not sufficient for the purpose of the camera then new or additional equipment may be required in order to comply. This will be for individual services responsible for the schemes to address through usual budget planning processes.

### **Consultation**

21. Officers from Communications, Public Realm, Housing Management and Metropolitan Police have been consulted on the CCTV Code of Practice.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Strategic Director of Communities, Law & Governance**

22. Recorded images of individuals are considered to be 'personal data' and therefore all CCTV systems must comply with the Data Protection Act 1998 ('the DPA'). The DPA contains eight data protection principles which say that personal data must be i) fairly and lawfully processed, ii) processed for limited purposes and not in any manner incompatible with those purposes, iii) adequate, relevant and not excessive, iv) accurate, v) not kept for longer than is necessary, vi) processed in accordance with individuals' rights vii) secure and viii) not transferred to countries without adequate protection.
23. In practical terms this means data captured by a CCTV system must be gathered fairly and lawfully. It must also ordinarily be captured for one single purpose and all CCTV images must be relevant i.e. if those images are being recorded for the purposes of preventing and detecting crime and anti-social behaviour they must be adequate to record images for identification of suspects and evidential quality for court proceedings. It is important that CCTV images are not kept longer than is necessary for the purpose/s for which they were collected.

24. The Information Commissioner has issued a Code of Practice for CCTV systems. The Code of Practice is designed to build and maintain public confidence in CCTV systems and to ensure that they operate within the law. All data controllers (such as the council) are strongly advised to follow the guidance set out in the Code. In this regard the Code, amongst other things, requires consideration of who should be responsible for viewing and analysing the data as well as the establishment of procedures for recording the captured images faithfully. Signs stating that CCTV is in operation must also be clearly visible so as to ensure all personal information is processed fairly.
25. All CCTV systems must also accord with Article 8 of the European Convention on Human Rights (ECHR) i.e. the right to respect for private and family life, home and correspondence. Article 8 of the ECHR was incorporated into UK Law by the Human Rights Act 1998 ('the HRA'). The Home Office advice for local authorities on how to comply with Article 8 is to ensure the gathering of data is: proportionate, legal, accountable, necessary and causes minimum interference to privacy.
26. The Regulation of Investigatory Powers Act 2000 ('RIPA') covers covert surveillance activities including the method of data gathering and use of the information gained. Directed surveillance by CCTV is essentially covert surveillance of individuals while in a public place for the purpose of a specific investigation or operation conducted in a way that is likely to obtain private information about a person. The power to use RIPA was extended to local councils in 2003 and formal authorisation is required.
27. However there has been considerable criticism of the way councils have sometimes used CCTV under RIPA, and the National coalition Government's programme for government includes a commitment to further regulate CCTV in the section on Civil Liberties. The Standards Committee have been given the remit of considering the implications of any changes to RIPA.

**Finance Director**

28. Not applicable

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Southwark CCTV Strategy	Environment & Housing Community Safety & Enforcement/ Wardens & Enforcement	Eden Geddes, 0207 525 0844

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Southwark Council CCTV Code of Practice

## AUDIT TRAIL

<b>Lead Officer</b>	Gill Davies, Strategic Director Environment and Leisure	
<b>Report Author</b>	Jonathon Toy, Head of Community Safety & Enforcement, E&L	
<b>Version</b>	Final	
<b>Dated</b>	October	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	No	No
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional/Community Council/Scrutiny Team</b>	20 October 2011	