

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO POLICY & FINANCE COMMITTEE

Agenda Item No.

meeting date: TUESDAY, 29 JANUARY 2013
title: USE OF THE CLITHEROE AND WHALLEY CCTV SYSTEM
submitted by: JOHN HEAP – DIRECTOR OF COMMUNITY SERVICES
principal author: JOHN EDWARDS – ENGINEERING SERVICES MANAGER

1 PURPOSE

- 1.1 The purpose of this report is to clarify the Council's position with regard to operational procedures concerning the use of the CCTV system and access to/disclosure of data.
- 1.2 To advise on changes to legislation affecting the regulation of CCTV systems and consequent changes in operational procedures.
- 1.3 Relevance to the Council's ambitions and priorities:
- Council Ambitions – Safety and wellbeing.
 - Community Objectives – To ensure that Ribble Valley remains a safe place to live.
 - Corporate Priorities – To help make people's lives safer and healthier and to protect and enhance the existing environmental quality of our area.
 - Other Considerations – None.

2 BACKGROUND

- 2.1 The CCTV system comprises 25 cameras installed at strategic locations within Clitheroe and Whalley. The system was set up in 2003 under the auspices of the Ribble Valley Crime and Disorder Reduction Partnership (now the Ribble Valley Community Safety Partnership).
- 2.2 At the meeting of the Policy and Finance Committee held on 18 November 2003 Members resolved that the CCTV system operated by the Council be registered with the Information Commissioner's Office and that the system be registered for the following purposes:
- To assist in the prevention, investigation and for detection of crime and disorder.
 - To facilitate the apprehension and/or prosecution of offenders in relation to crime and public order by using images being entered as evidence in criminal proceedings.
 - To assist in ensuring public safety and the safety of property.
 - To assist in the detection of notified missing persons.
 - To assist in identifying incidences of anti-social behaviour and trespass.

- To prevent or mitigate interruptions to the flow of traffic on the public highway.
 - To assist Ribble Valley Borough Council and the Police in investigating incidents relating to breaches of the licensing regulations.
 - To assist Ribble Valley Borough Council in monitoring unauthorised depositing of litter or refuse and incidents of graffiti and dog fouling.
 - To assist the Police in the operation of the automatic number plate recognition (ANPR) system.
 - To assist the Education Authority and the Police in identifying instances of truancy from schools and colleges.
- 2.3 The system is monitored from a manned control room and the CCTV images are continuously recorded. The recorded images are kept for a period of 30 days unless the data is required for evidential purposes.
- 2.4 It is recognised that operation of the CCTV system may be considered as an infringement of the privacy of individuals and it is therefore important to ensure that the system is operated responsibly to ensure its legitimacy and legality.
- 2.5 Any CCTV system comprises equipment, personnel and procedures designed to collect and process information, its integrity and effectiveness will depend entirely upon the management of the data gathered.
- 2.6 The introduction of the Data Protection Act 1998 (DPA) provided a statutory basis for systematic legal control of CCTV surveillance over public areas. Under the DPA the Information Commissioner's Officer published a CCTV Code of Practice based on the eight enforceable principles contained in the DPA with regard to the handling of personal data, viz:
- that data must be fairly and lawfully processed;
 - to be processed for limited purposes;
 - to be adequate, relevant and not excessive;
 - to be accurate;
 - not to be kept longer than necessary;
 - to be processed in accordance with the data subject's rights;
 - to be secure;
 - not to be transferred to other countries without adequate protection.
- 2.7 In conjunction with the CCTV Code of Practice, Ribble Valley Borough Council produced a CCTV Operational Procedures Manual as guidance on the operation of the system based upon the principles contained within the Code.

- 2.8 Section 5 of the Procedures Manual covers Access to Security of the Monitoring Office, the Monitoring Office is located within a secure environment, however it must be recognised that the processing of personal data requires a level of protection commensurate with the principles of the DPA. The Procedures Manual contains a list of key personnel who are allowed access into the control room, this list is attached as Appendix A to this report.
- 2.9 The Procedures Manual does make provision for visitors to the control room. Visits will only take place with the approval of the CCTV Manager and with the prior knowledge of the duty monitoring office staff.
- 2.10 Guidance with regard to the release of recorded material is included in the manual however the policy on the release of recorded material to anyone other than the Police was restated in a report made to Community Services Committee on 9 March 2010 and for convenience is included below.

“The issue of the use of recorded data in relation to private matters such as damage to a car on a car park or a vehicle collision is something that has been raised recently. The authorised purposes for which the CCTV system should be used is set out at 2.16 of this report. Whilst reference is made to assisting in ensuring the safety of property, that is in terms of surveillance to assist the Police in the prevention, investigation and detection of crime. The Data Protection Act prevents the Council giving recorded information from the CCTV system to private individuals for any reason. If the incident is reported to the Police as a crime and they decide to investigate the allegation, then they may decide to review any recorded data as part of their investigation process. However, on many occasions in the past to assist an aggrieved individual, we have reviewed any recorded data to then be able to advise the person enquiring if there was value in contacting the Police about the matter they were concerned with. That is as far as we are able to assist, but we are unable to hand recorded data over to any member of the public for the reasons explained”.

3 ISSUES

- 3.1 The Protection of Freedom Act 2012 was introduced by the Government during the latter part of last year and Part 2 of the Act covers the regulation of CCTV and other surveillance camera technology. Under Section 29 of the Act the Secretary of State (Home Office) must prepare a code of practice containing guidance about surveillance camera systems. The code must contain guidance about the following:
- a) the development or use of surveillance camera systems.
 - b) the use or processing of images or other information obtained by virtue of such systems.

The code may also include, inter alia, provision about access to, or disclosure of, information obtained by CCTV systems.

- 3.2 A draft code of practice has been produced for which the consultation period closed on 25 May 2011, an amended draft code is expected to be laid before Parliament for approval in spring 2013.
- 3.3 The new Code of Practice may introduce significant changes to the guidance on how the Council operates its CCTV system. It is recognised that the current CCTV Operational Procedures Manual was introduced in October 2006 and is in need of revision/updating. It is however suggested that the revision is postponed until the

new CCTV Code of Practice is completed in accordance with the provisions of the Protection of Freedoms Act.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – There is no direct affect on resources, either financial or staffing, as a result of this report.
- Technical, Environmental and Legal – Any changes to the current operating procedures may be premature if implemented in advance of the Home Office Code of Practice.
- Political – There are no specific political issues arising out of this report.
- Reputation – There are no specific reputation issues arising out of this report.
- Equality & Diversity – There are no equality and diversity issues arising out of this report.

5 **RECOMMENDED THAT COMMITTEE**

5.1 Note the contents of this report.

5.2 Request that the Director of Community Services provide a further report on this service when the recommendations of the Home Office Code of Practice are known.

JOHN EDWARDS
ENGINEERING SERVICES MANAGER

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

None.

For further information please ask for John Edwards extension 4528.

REF: JE/CMS/POLICY & FINANCE/29 JAN 2013

APPENDIX A

The following is a list of personnel who are authorised to gain access to the Monitoring Office:

- Clitheroe Police Inspector – Lancashire Constabulary.
- Chief Executive – RVBC.
- Director of Community Services – RVBC.
- Head of Engineering Services – RVBC.
- Nominated Engineering Assistant – RVBC.