

**Committee Name and Date of Committee Meeting**

Cabinet – 12 February 2024

**Report Title**

Overt CCTV Policy

**Is this a Key Decision and has it been included on the Forward Plan?**

Yes

**Strategic Director Approving Submission of the Report**

Paul Woodcock, Strategic Director of Regeneration and Environment

**Report Author(s)**

Steve Parry, Community Safety Officer.

[Steve.parry@rotherham.gov.uk](mailto:Steve.parry@rotherham.gov.uk)

**Ward(s) Affected.**

Borough-Wide

**Report Summary**

The Council's current Closed-Circuit Television (CCTV) Policy and Guidance (Overt Surveillance) was approved by Cabinet in August 2018. A review of the Policy has been essential to ensure that it is up to date in light of the significant investment made into CCTV and the availability of new surveillance technology.

Cabinet are asked to review the refreshed Policy and approve the recommendation in order to support the continued control and management of the use of CCTV across the Council.

**Recommendations**

1. That Cabinet approves the Council's refreshed Closed-Circuit Television (CCTV) Policy.

**List of Appendices Included**

Appendix 1 CCTV Policy

Appendix 2 Initial Equalities Screening Assessment.

Appendix 3 Carbon Impact Assessment.

**Background Papers**

- RMBC CCTV Policy and Guidance (Overt Surveillance) 2018.

- Surveillance Camera Code of Practice 2013 (Amended November 2021).
- Surveillance Camera Commissioner – A guide to the twelve principles of the surveillance camera code of practice.
- Surveillance Camera Commissioner – Steps to complying with the twelve principles of the surveillance camera code of practice.
- “In the Picture – A Data Protection Code of Practice for Surveillance Cameras and Personal Information” – Information Commissioners Office.
- Surveillance Camera Commissioner – Data protection impact assessments – guidance for carrying out a data protection impact assessment on surveillance camera systems.
- Information Commissioners Office – CCTV and video surveillance guidance

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

None

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## **Overt CCTV Policy**

### **1. Background**

- 1.1 The use of CCTV supports the achievement of the Council Plan theme's 'people are safe, healthy and live well' and 'a cleaner, greener local environment', with a particular focus on tackling crime and anti-social behaviour. It also supports the work of the Council, Police and the wider Safer Rotherham Partnership to maintain enforcement activity and improve the feeling of safety of those living in, working in, and visiting the borough.
- 1.2 The Council has an extensive and established approach to the deployment and use of CCTV. It has both fixed and re-deployable public space CCTV cameras installed across the Borough. Fixed system cameras are monitored from the central CCTV control room situated at the Civic Office, Waterdale, Doncaster, and can also be monitored from the Emergency Control Room at Riverside House.
- 1.3 The Council operates CCTV that is situated in rural areas, urban centres, buildings, and car parks across the Borough. Some employees and contractors of the Council that undertake public enforcement roles also wear body-mounted cameras to support enforcement duties which captures evidence and provides protection whilst carrying out their role. The Council also has CCTV in some of its fleet vehicles, all of which need to comply with legislative requirements as explained in the draft policy and associated documentation.
- 1.4 The current Council CCTV Policy and Guidance was approved by Cabinet in August 2018.
- 1.5 The refreshed Policy provides clarity for the Council, its Elected Members, employees, contractors, and any other parties involved in the operation, management and administration of CCTV systems and recording devices. It also sets out the hierarchy of responsibilities which exist to ensure that these systems are operated in a compliant manner. The Policy is attached as Appendix 1 and the sections highlighted in yellow are where changes or updates have been made, for ease of reference. In many cases these sections have been rewritten so it is not possible to highlight individual changes.
- 1.6 The Policy intends 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.

### **2. Key Issues**

- 2.1 The Surveillance Camera Commissioner has a duty to ensure that authorities are complying with the legislative requirements of the Protections of Freedom Act 2012, UK General Data Protection Legislation (GDPR), the Data Protection Act 2018 and the Human Rights Act 1998 in respect of the

deployment and use 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.

- 2.2 Section 17 of the Crime and Disorder Act 1998 states that all relevant authorities, including local authorities, have a duty to consider the impact of all their functions and decisions on crime and disorder in their local area.
- 2.3 As part of the CCTV review, in tandem to refreshing the Policy, an audit of the Council's Public Space CCTV systems, both fixed and re-deployable cameras has been undertaken; including visual inspections of all equipment.
- 2.4 The review of the Policy has been an ongoing process since 2022 and has included contact with services throughout the Council to establish CCTV provision and responsibility. Legal, procurement and relevant services have been consulted and formed part of the CCTV working group.
- 2.5 The review process has been informed by work with internal audit and the information governance unit. Since the previous review of the CCTV Policy there has been an increase in the number of cameras in the Council's possession from 100 in 2016 to over 400 cameras in 2023. In addition, new surveillance technology has come into use including body cameras and dashboard cameras (dashcams).
- 2.6 The Council has invested over £918,000 in provision of CCTV since 2022. This has been both Council investment and Government funding through the Safer Streets Fund. Currently there are over 400 cameras that are re-deployable or fixed to be used to deter crime and anti-social behaviour. Where images are recorded that provide evidence of the identity of offenders, then those images might be used as evidence for prosecutions.
- 2.7 This review of the Policy has led to changes in some key areas, specifically regarding the use of new surveillance technology, including body worn cameras and dashboard cameras. The Policy itself has been revised to reflect these new technologies with specific sections introduced throughout.

### **3. Options considered and recommended proposal**

- 3.1 **Option 1.** That Cabinet approve the Policy attached at Appendix 1 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. This is the recommended option.
- 3.2 **Option 2.** That Cabinet does not approve the Policy which may lead to the Council not fulfilling its legal obligations in relation to CCTV, overt surveillance, and associated codes of practice. This option is not recommended.

#### **4. Consultation on proposal**

- 4.1 The Policy has not been subject to external consultation however the service are regularly engaged with South Yorkshire Police on the deployment and management of CCTV.

#### **5. Timetable and Accountability for Implementing this Decision**

- 5.1 If approved, the refreshed CCTV Policy and Guidance will become effective immediately, replacing the current Policy.
- 5.2 If approved, the CCTV Policy and Guidance will be published on the Council website.
- 5.3 Accountability for implementing the decision is with the Head of Service, Community Safety and Regulatory Services. The Policy will be subject to a further review after two years.

#### **6. Financial and Procurement Advice and Implications**

- 6.1 There are no direct financial implications arising from this report. Any associated costs will be contained within existing approved budgets.
- 6.2 There are no direct procurement implications associated with the recommendations detailed in this report, however it must be noted that the purchasing of all equipment must be conducted in compliance with the Public Contracts Regulations 2015 (as amended) and the Council's own Financial and Procurement Procedure Rules.

#### **7. Legal Advice and Implications**

- 7.1 Legal Services have been heavily involved in the review of the CCTV Policy in order to ensure that it is up to date and reflects current legal requirements placed upon the Council.
- 7.2 The relevant legislation, Codes of Practice and guidance documents have been referred to within the body of the report. The Council must comply with all relevant legislation and the Code of Practice issued by the Surveillance Camera Commissioner.
- 7.3 The Surveillance Camera Commissioner's Code of Practice sets out 12 guiding principles which organisations must consider, Organisations must have rules and policies in place which are communicated to all users. The Protection of Freedoms Act 2012 requires Authorities to take into account the 12 guiding principles.
- 7.4 In respect of data protection, the accountability principle requires the Council to take responsibility for what is done with personal data and how to comply with other principles. Article 24(1) of UK GDPR states that organisations must implement technical and organisational measures to ensure and

demonstrate compliance. The measures should be risk-based and proportionate, and they need to be reviewed and updated as necessary.

- 7.5 Although there is no sanction for a failure to comply with the Code of Practice, The Protection of Freedoms Act 2012 states that the Code is admissible in evidence in any proceedings, and any court or tribunal may in particular take into account a failure by a relevant authority to have regard to the Code in determining a question in any such proceedings. This would be of particular relevance in prosecution proceedings which may rely upon evidence gathered by way of overt CCTV systems such as is often the case with fly-tipping offences. A failure to comply with the Code could result in the evidence being undermined and determined as inadmissible in proceedings.
- 7.6 The Council must comply with data protection legislation and any failure to do so will likely result in an investigation by the Information Commissioners Office which could result in sanctions being imposed against the Council. The Council must also ensure that all staff have a clear understanding surrounding surveillance and, in particular, where overt surveillance could potentially stray into covert surveillance. The Regulation of Investigatory Powers Act 2000 (RIPA) governs the use of covert surveillance by public bodies. Any failure to act in accordance with the RIPA framework will result in a need for the Council to self-report to the ICO and potential sanctions. The Overt CCTV Policy makes it clear what Officers should do in the event they think RIPA may apply.
- 7.7 Adopting the updated CCTV policy will ensure that the Council exercises its duties and functions in accordance with legal requirements and assist in avoiding legal challenge and potential sanctions for non-compliance.

## **8. Human Resources Advice and Implications**

- 8.1 There are no direct human resources implications arising from the recommendations within this report as CCTV systems must not generally be used to monitor the activities of Council officers or members of the public in the ordinary course of their lawful business.
- 8.2 It should be noted however that the policy allows for the use of CCTV for the following purposes:
- To assist the Council in discharging its health and safety obligations towards staff
  - To investigate allegations of staff misconduct

## **9. Implications for Children and Young People and Vulnerable Adults**

- 9.1 There are no specific implications as a result of adopting this policy. The proportionality and necessity of camera deployment is considered during the request for CCTV deployment approval process, in particular during completion of the mandatory Data Protection Impact Assessment.

9.2 It should be noted that this policy covers all use of CCTV within Council premises, including those used in care settings whether operated by the Council or by third parties.

## **10. Equalities and Human Rights Advice and Implications**

10.1 There are no specific equalities impacts as a result of adopting this policy. However, the installation of CCTV cameras across the Borough, along with already deployed cameras, require the completion of a Data Protection Impact Assessment (DPIA) (Appendix 3) which would highlight any equalities issues, and what action is to be taken to mitigate those issues. Deployment of any CCTV surveillance system will not be approved if a DPIA has not been completed.

10.2 An Initial Equalities Screening Assessment is attached at Appendix 2.

## **11. Implications for CO2 Emissions and Climate Change**

11.1 This report does not introduce any implications for CO2 emissions or climate change. A Climate Impact Analysis is attached as Appendix 3.

## **12. Implications for Partners**

12.1 The use of CCTV supports the Council's 'People are safe, healthy and live well' and 'A cleaner, greener local environment' priorities, with a particular focus on tackling crime and anti-social behaviour. It also supports the work of the Police and wider Safer Rotherham Partnership to maintain enforcement activity and improve the feeling of safety of those who live, work, or visit the borough.

## **13. Risks and Mitigation**

13.1 The Council risks legal action if it fails to comply with the relevant legislation and Codes of Practice. There is also a significant reputational risk if the Council is not controlling and monitoring the use of CCTV lawfully and effectively. Approving this policy will ensure the Council has a governance framework in place to ensure lawful and effective management of CCTV across the Council.

## **14. Accountable Officers**

Head of Service, Community Safety and Regulatory Services

Approvals obtained on behalf of Statutory Officers: -

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Sharon Kemp	29/01/24
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	24/01/24
Assistant Director, Legal Services (Monitoring Officer)	Phil Horsfield	24/01/24

*Report Author: Steve Parry, Community Safety Officer.*

This report is published on the Council's [website](#).