

Arun District Council

REPORT TO:	CORPORATE SUPPORT COMMITTEE – 10 NOVEMBER 2022
SUBJECT:	CCTV Strategy & Policy
LEAD OFFICER:	Nat Slade, Group Head of Technical Services
LEAD MEMBER:	Councillor Paul Dendle
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: The CCTV Strategy and Policy contribute to the Council's Vision as follows: Improving the wellbeing of Arun - as the absence of crime and disorder has direct wellbeing benefits for our local communities in that they feel and are safer. Fulfilling Arun's economic potential - as CCTV contributes to the prevention and detection of crime, thereby supporting safer town centres which attract and retain business, are used well by the community and visitors.	
DIRECTORATE POLICY CONTEXT: The Council does not have an existing Strategy or Policy document for its use of CCTV surveillance systems.	
FINANCIAL SUMMARY: CCTV surveillance systems are currently operated across General Fund and Housing Revenue Account sites. The review of existing CCTV surveillance systems will identify systems that will need to be decommissioned, systems in need of upgrading, and systems that will need to be replaced. Until the review is undertaken the financial implications cannot be accurately estimated. If these costs are not containable within existing budgets, a further report will be prepared for the relevant committee's consideration. It is considered likely that the outcome of the review will be a reduction in the number of CCTV surveillance systems operated by the Council. This will reduce ongoing annual maintenance costs.	

1. PURPOSE OF REPORT

- 1.1. This report sets out the proposed CCTV Strategy & CCTV Policy and seeks Committee's agreement to adopt each document.

2. RECOMMENDATIONS

- 1.2. That Committee agrees:

- to adopt Arun District Council's CCTV Strategy;
- to adopt Arun District Council's CCTV Policy, and;
- to delegate authority to the Group Head of Law & Governance to make changes to the CCTV policy.

2. EXECUTIVE SUMMARY

- 2.1. Committee is asked to adopt a Strategy for the use of CCTV systems, and a policy setting out its arrangements for how those systems are to be operated.

3. DETAIL

- 3.1. The Council operates CCTV surveillance camera systems across its estate on operational buildings such as offices and depots, and in public places such as some car parks, leisure centres and housing blocks. The Council has duties as data controller for these systems.
- 3.2. The Council as a member of the Safer Arun Partnership, also contributes funding to public town centre CCTV surveillance camera systems maintained, monitored and operated by Sussex Police. Sussex Police have duties as data controller for these systems.
- 3.3. The Council may also choose in its role as licensing authority to mandate use of CCTV surveillance camera systems in regulated locations which are privately owned such as taxis and private hire vehicles. Such systems would be owned by the vehicle owner, and operated in accordance with licence conditions issued by the Council. The Council has duties as data controller for these systems.
- 3.4. The proposed CCTV strategy (appendix 1) establishes a clear vision and underpinning principles for its use:

The Council believes that CCTV surveillance camera systems are an important tool available for the Council to use. To ensure trust and confidence in their use, the Council is committed to the following principles in determining when, where and how to install and operate CCTV surveillance camera systems.

- A lawful purpose must be identified
 - The use of surveillance systems must be proportionate
 - They are 'fit for purpose'
 - Use of systems is to be overt
 - Data is to be handled securely
- 3.5. The purpose of the policy is to set out the Council's arrangements which will ensure compliance with our legal duties and the latest guidance from the Home Office, Information Commissioner and the Biometrics and Surveillance Camera Commissioner. The scope of the policy relates to those CCTV surveillance camera systems for which the Council is data controller. It does not include the town centre CCTV surveillance camera systems operated by Sussex Police.
 - 3.6. The delegation has been requested in order to make minor changes resulting from experience in operating the policy, and the frequent changes to official guidance and codes which may necessitate changes to the policy.
 - 3.7. The purposes for which the Council will use CCTV surveillance camera systems, identified within the policy, are as follows:

- a) to prevent crime and protect buildings and assets from damage, disruption, vandalism and other crime;
- b) for the personal safety of staff, visitors and other members of the public and to act as a deterrent against crime;
- c) to support law enforcement bodies in the prevention, detection and prosecution of crime;
- d) to assist in day-to-day management, including ensuring the health and safety of staff and others;
- e) to assist in the effective resolution of disputes which arise in the course of disciplinary or grievance proceedings, and;
- f) to assist in the defence of any civil litigation, including employment tribunal proceedings

3.8. The strategy sets out that within the first year following adoption a review will be undertaken of all existing CCTV systems on the Council's estate.

3.9. The review will involve undertaking a Data Protection Impact Assessment for each CCTV surveillance camera system, assess the system's functionality, and data security arrangements. In particular the following will be established:

- Its purpose.
- Its impact on individuals.
- Cameras locations to minimise viewing of spaces not relevant to the purpose.
- That as far as reasonably practicable, the cameras' field of vision does not include homes, gardens and other private property.
- If the CCTV system in an areas such as toilets where people have a reasonable expectation of privacy (presumption against use in these areas).
- Whether it is an effective solution.
- If other solutions are better.
- Overall, if the CCTV system is proportionate.
- If the cameras are recording sound (stop them doing so if they are).
- Whether the system records images of suitable quality to meet the purpose.
- That the images (live and recorded) are stored securely, only accessible to authorised persons.
- That signage at the entrance to surveillance zones is in place which states ADC operated system, contact details, purpose of surveillance and that the individual's image may be recorded.
- How long images should be kept, how they are deleted, and that this is recorded.
- How images can be viewed and exported.
- Who should be authorised to view CCTV footage.

3.10. Following the review, where systems are found no longer to have a valid defined purpose, are considered to be disproportionate or ineffective at serving the defined purpose, they will be decommissioned and removed.

3.11. The review will identify that some of the CCTV surveillance camera systems require upgrade or replacement of the hardware in order to comply with the policy arrangements, which will be taken forward.

3.12. Annual review arrangements involving Data Protection Officer and Single Point of Contact (with the Biometrics and Camera Surveillance Commissioner) will assess compliance with the Council's policy, and whether the policy itself needs to be amended to reflect any changes to guidance etc. The strategy and policy will be subject to formal review at least every five years by the relevant committee of the Council.

4. CONSULTATION

4.1. Unison, the Formal Unison Staff Consultation Panel, has been consulted and do not have any concerns with the policy being introduced.

4.2. Those departments involved in operating Arun-controlled CCTV surveillance systems and the Legal team have been engaged over a considerable period in the development of the policy to ensure it is practical and deliverable as well as fulfilling the Council's duties.

5. OPTIONS / ALTERNATIVES CONSIDERED

5.1. Committee could decide to cease to operate any CCTV surveillance systems on its estate. This would remove an important tool available to the Council for protecting its assets, deterring and detecting crime. Savings arising from ceasing to operate systems may be offset by increased reactive maintenance costs arising from criminal damage.

5.2. Although there is no obligation to have an adopted strategy, if the Council continues to operate CCTV surveillance systems it must have policy arrangements in place that set out how it will fulfil its duties.

6. COMMENTS BY THE INTERIM GROUP HEAD OF FINANCE/SECTION 151 OFFICER

6.1. The Financial Summary states: Until the review is undertaken the financial implications cannot be accurately estimated. If these costs are not containable within existing budgets, a further report will be prepared for the relevant committee's consideration. It is considered likely that the outcome of the review will be a reduction in the number of CCTV surveillance systems operated by the Council. This will reduce ongoing annual maintenance costs. When the outcome of the review is received, reports will be presented to Members detailing the outcome and financial implications as appropriate.

7. RISK ASSESSMENT CONSIDERATIONS

7.1. If the policy is not adopted and implemented, initially by way of the review of the Council's existing CCTV surveillance systems, the Council will be unable to provide assurance that it is complying with its duties.

- 7.2. The cost of decommissioning, upgrading and replacing existing CCTV systems may not be containable within existing budgets.
- 7.3. Competing demands on officer time may delay progress in reviewing existing systems. A CCTV policy implementation group has been established to monitor progress. Policy arrangements include an annual review process that will highlight any concerns with progress in implementing the policy. If additional resources are considered necessary and cannot be identified from within existing budgets, a further report will be prepared for the relevant committee's consideration.

8. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 8.1. The Surveillance Camera Commissioner (SCC) was created under the Protection of Freedoms Act 2012 to regulate CCTV and promote the Surveillance Camera Code of Practice. The processing of personal data must comply with both the Data Protection Act 1998 and the General Data Protection Regulation.

9. HUMAN RESOURCES IMPACT

- 9.1. The review of existing systems will impact on existing staffing resources but it is considered to be deliverable. Unison has been consulted on the policy in relation to its impact on staff and do not have any concerns.

10. HEALTH & SAFETY IMPACT

- 10.1. CCTV surveillance systems can be used as a control measure following risk assessment to help protect the safety of staff and others.

11. PROPERTY & ESTATES IMPACT

- 11.1. Systems operated by Arun on its general fund estate will be reviewed by the department which operates the system. Systems operated on the Council's own housing sites will be reviewed by Residential Services department.
- 11.2. CCTV surveillance systems are an important tool in deterring and detecting crime which helps protect staff, contractors, service users, residents and tenants as well as Council property from damage.
- 11.3. Departments operating CCTV surveillance systems cooperate in ensuring that cost effective maintenance arrangements are in place.

12. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

- 12.1. An equalities impact assessment has been carried out. The assessment has not identified adverse impacts on any of the protected characteristics.

13. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

13.1. No material impacts have been identified. The Council's electricity supply is REGO certified as being generated from renewal sources.

14. CRIME AND DISORDER REDUCTION IMPACT

14.1. CCTV surveillance systems have an important role to play in deterring and detecting crime.

15. HUMAN RIGHTS IMPACT

15.1. The policy sets out a process to review all the existing CCTV surveillance on Arun's estate, which will identify whether a legally recognised purpose exists for the operation of a system, what alternatives have been considered, assesses whether operating a system is a proportionate approach taking into account the level of intrusion and mitigation available, and whether a CCTV system would be effective in delivering the purpose. The outcome of the review will be that the Council will only operate systems where it can demonstrate that it is proportionate and effective to do so.

15.2. The arrangements in the policy for any systems which are considered in the future will also require the impacts to be assessed in the same way.

16. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

16.1. The policy sets out how the Council will ensure personal data will be stored and shared to ensure its security, that it is stored for a defined periods which enables the systems to fulfil their defined purposes, but will automatically delete data to comply with relevant codes, guidance and data protection regulations.

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BACKGROUND DOCUMENTS:

Appendix 1: Arun District Council CCTV Strategy

Appendix 2: Arun District Council's CCTV Policy

Equalities Impact Assessment