

Report to Cabinet

Subject: Update on Council Surveillance Systems and Policy Document

Date: 17 July 2024

Author: Deputy Chief Executive, Principal Solicitor

Wards Affected

All

Purpose

To update members on work undertaken and planned, to ensure good governance and compliance with the law in respect of the Council's surveillance systems.

To seek approval of amendments to the Council's Policy and Code of Practice for Surveillance Cameras at Appendix 1 of this report.

To further promote good governance in the future acquisition of any surveillance cameras by giving the Deputy Chief Executive authority to approve all new acquisitions of surveillance cameras.

Key Decision

This is not a key decision.

Recommendations

THAT Cabinet:

- 1) Notes the work that has been undertaken and continues to be done to ensure lawful compliance and good governance and efficacy in the operation and use of the Council's surveillance systems.
- 2) Approves the amended Council Policy and Code of Practice for Surveillance Cameras at Appendix 1 to this report.
- 3) Delegates authority to the Deputy Chief Executive, as Senior Responsible Officer, to approve any additional CCTV equipment acquired by the Council in consultation with the Portfolio Holder responsible for Crime and Prevention, including, where necessary,

authority to submit an application for planning permission in respect of CCTV equipment.

1 Background

- 1.1 In March 2020, Cabinet approved the Council's Policy and Code of Practice for Surveillance Cameras. Under this policy the Senior Responsible Officer for Surveillance Cameras is required to report to Members on the auditing of CCTV systems and review of the policy document on an annual basis. Members also agreed an approval system for the introduction of new CCTV cameras in the Borough to ensure good governance and solid justification for the introduction of new cameras. This is to ensure the Council's compliance with the Protections of Freedom Act 2012 (PoFA).
- 1.2 In March 2023 as part of the annual audit and review, Cabinet approved minor amendments to the Council's Policy including the responsibility of the Senior Responsible Officer (SRO) for CCTV, to sit with the Director of Corporate Resources and s.151 officer. This Director left the organisation in October 2023 and the role of SRO has not formally been re-designated, although the approval of new cameras has been considered by the Monitoring Officer and Directors in consultation with Portfolio Holder. The Single Point of Contact (SPOC) for CCTV, has continued to effectively operate the Council's CCTV systems and ensure compliance with the approval process for the introduction of new cameras.
- 1.3 Section 33 of the PoFA requires local authorities to pay due regard to the Surveillance Camera Code of Practice ("the Code"), issued under sections 29-31 of the PoFA, where they operate surveillance cameras overtly in an open space. During the 2023 audit and review amendments to the Council's Policy were approved by Cabinet to reflect amendments made to the Code in February 2022. These included reference to considering equality impacts on the installation and use of surveillance systems, ensuring that the ongoing technical capability of the systems and the images captured is kept under review, and placing greater emphasis on the consideration of Human Rights implications on the utilisation of surveillance camera systems. As part of this review of the Council's Policy and Code of Practice, the Council have had regard to the amended Code of Practice.
- 1.4 The review of the Council's Policy and Code of Practice has led to some proposed amendments to the document. In terms of responsibilities, the SRO is now proposed as the Deputy Chief Executive and Monitoring Officer, who also holds the roll of Senior Information Risk Owner (SIRO). As is referenced in the policy, this officer is responsible for overall compliance with the document and is authorised to approve additional surveillance cameras in consultation with the Executive.

- 1.5 As there have been no other updates to the Code of Practice, and no new CCTV systems introduced throughout the Council, the Policy remains fit for purpose and no further amendments are proposed at this time, save for updating the links to the Code of Practice and the Information Commissioners Office guidance.
- 1.6 Since the last report to Cabinet, audits have begun on all the Council's leisure CCTV systems as well as a further audit of the Council's Town Centre CCTV system, reception CCTV system and the system recently installed at the AMP.
- 1.7 The last report to Cabinet reported that the audit of Leisure Centres had revealed that not all cameras were operating effectively at all sites and that the quality of imaging from some of the systems was not consistently high. Further work has been undertaken with Leisure Centre Managers to ensure consistency of imaging and to remove any cameras that are no longer required. Works have included replacement CCTV monitors and cameras where appropriate, additional cameras and the Richard Herrod Centre has received an upgrade of the entire CCTV system with new DVR and all non-HD cameras replaced with HD cameras.
- 1.9 The Council's Town centre CCTV which at the last time of reporting included 80 cameras over 14 sites has now expanded with an additional 4 cameras installed around the Borough since February 2023. The Town Centre System remains fit for purpose with clear justification provided for additional cameras and an established internal approval process. The clarification of the role of SRO will ensure a clear process for consideration of new cameras moving forward.
- 1.9 As reported to Cabinet in February 2023, the audit of the CCTV system at Arnold Market Place, which is independent of the Town Centre System resulted in recommendations made to Property Services to ensure controlled access to the plant room where the CCTV monitors are housed and for further security to install lockable cabinetry around the monitoring equipment to prevent unauthorised access. Various steps have been taken to implement these recommendations including restricting key holders, signing in records, metal cage fitted to secure the archive hard drive and a reporting system regarding any evidence produced from the hard drive.
- 1.10 The audits checked the operation of the cameras, and also looked at the processes for storing, handling and accessing data recorded from the cameras to our CCTV control room or other control locations. The Council work very closely with the Police and frequently get 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 in the control room and we need to ensure that the same process is adopted in respect of all our surveillance cameras.

- 1.11 As mentioned during the last audit report, in order to support all those officers with oversight of CCTV systems the SPOC has established a CCTV officer working group, with the support of legal services, to support the SPOC in the implementation of recommendations following audit, and to ensure compliance with the Council's Policy and Code of Practice. This working group met in June 2023 and plans to arrange bi-annual meetings going forward once the current re-structure has been implemented.
- 1.12 The working group will ensure further scrutiny of our surveillance systems to ensure sufficient justification for the volume of cameras, particularly at leisure sites. This work will continue to be undertaken through the CCTV working group in 2024/25. A performance management metric has also been added to the Council's Pentana system to assist in highlighting the necessity for the relevant actions to be undertaken and ensure ongoing robust action regarding the use of the Council's CCTV systems and ensure compliance with the PoFA and other relevant legislation.
- 1.13 Further work will also be undertaken by the working group in 2024/25 to review Data Protection impact Assessments for surveillance systems and to ensure inclusion of an assessment of equality impacts where this has not been undertaken.
- 1.14 Any Council operation of surveillance systems must not be undertaken covertly unless this is in line with the Regulation of Investigatory Powers Act 2000 (RIPA) and the necessary authorisations under that legislation are obtained. Training in respect of RIPA powers is due to be delivered by the RIPA Co-ordinating Officer in July 2024 this will include a section on the Council's CCTV Policy and Code of Practice so will be offered to those involved in the monitoring, control and managing of the Council's CCTV systems, as well as the Council's investigating officers.
- 1.15 Since February 2023, there have been 90 incidents recorded by the CCTV control room where CCTV was used to prevent and detect crime, including assaults, a number of public disorder incidents, shoplifting, drug use and dealing and to support Nottinghamshire Police with arrests. In addition, CCTV evidence was used to assist in finding 100 missing people, and the cameras were used in 233 incidents where enforcement officers reviewed images.

2 Proposal

- 2.1 It is proposed that Members note the work that has been undertaken and the ongoing work being carried out in relation to the Council's

surveillance cameras. It is also proposed that members be updated annually in relation to this work, including reports on audits and any policy updates needed.

- 2.2 It is proposed that Members approve the amendments to the Council's Surveillance Camera Policy and Code of Practice document at Appendix 1 to this report to ensure that the Council maintains good governance and control over its CCTV and camera systems and to ensure its Policy and Code of Practice remains fit for purpose and up to date.
- 2.3 It is proposed that the Deputy Chief Executive be designated as the Council's senior responsible officer for Surveillance Systems and be given authority to approve additional CCTV installations in consultation with the Portfolio Holder responsible for Crime and Prevention.

3 Alternative Options

- 3.1 Members may decide not to approve the changes to the policy document or recommend alternative amendments. This document has been reviewed having regard to all relevant legislation and the updated Surveillance Commissioners Code of Practice for Surveillance Cameras. It is considered to be fit for purpose and is considered essential in ensuring good governance and ongoing lawfulness of the Council's surveillance cameras. The document also provides key operational guidance to ensure those responsible for managing surveillance camera systems do so in a cohesive way.
- 3.2 Members could determine not to delegate authority to the SRO to consider all new acquisitions of surveillance cameras, however, ensuring there is a central point for considering new cameras will ensure that thorough consideration and justification is given to the Council's policy and the relevant legislation prior to any new devices being acquired.

4 Financial Implications

- 4.1 The work to ensure compliance with the relevant legislation will be undertaken within existing resource. Surveillance cameras are already part of agreed budgets for relevant service areas.

5 Legal Implications

- 5.1 The Council are required to have due regard to the Government's Surveillance Camera Code of Practice issued under s.29-31 of the Protection of Freedoms Act 2012 when exercising any functions to which the Code relates. The Council should take into account this Code when reviewing its own policy documents.

- 5.2 Surveillance systems must be conducted in accordance with other legislation including RIPA, Human Rights Act 1998, Equality Act 2010 and Data Protection Act 2018. Other legislative requirements are referenced within the Council's Policy document.

6 Equality Implications

- 6.1 Equality Impact Assessments should be completed in relation to the installation of CCTV systems as well as continued review of the impacts of the operation of those functions on any of the protected characteristics.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no carbon reduction/sustainability implications arising directly from this report.

5 Appendices

Appendix 1 - Gedling Borough Council's Surveillance Camera Policy and Code of Practice (Amended)

6 Background Papers

- 6.1 [Surveillance Camera Code of Practice \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

7 Reasons for Recommendations

- 7.1 To ensure Members are up to date in relation to recommendations from the Surveillance Commissioner and the resulting work undertaken.
- 7.2 To ensure the governance arrangements around surveillance cameras are lawful and to ensure transparency in the use of such cameras.
- 7.3 To ensure ongoing monitoring and control of the Council's surveillance cameras and to ensure compliance with relevant legislation, the Code of Practice and the Council's policy by evidencing sound justification for the acquisition of any new surveillance cameras.