



PARISH COUNCIL

CLOSED CIRCUIT TELEVISION (CCTV) OPERATIONAL PROTOCOL 2016 to 2020

CCTV OBJECTIVES

National Strategic Objectives for CCTV

Yalding Parish Council operates its CCTV camera systems in compliance with the 3 purposes set out in the Information Commissioners CCTV Code of Practice. This states that CCTV camera use must be necessary to address one of the following pressing needs:

- Crime Prevention (including antisocial behaviour)
- Public Safety
- National Security

Local Strategic Objectives for Yalding Parish Council CCTV Under Section 6 of the Crime and Disorder Act 1998 all Local Authorities have a statutory obligation to bring together named 'Responsible Authorities' to work in partnership to develop and implement strategies to protect the local community from crime and disorder related issues including; anti-social behaviour, drug or alcohol misuse and reoffending. In Yalding this statutory partnership includes representatives of Kent Police through the Maidstone Community Safety Unit. CCTV is employed for the following reasons:

- To assist in the prevention and detection of crime and anti-social behaviour.
- To ensure that CCTV system is operated in accordance with regulatory requirements in a transparent and cost efficient manner, taking account of appropriate technological developments.
- To assist in the protection of public areas.
- To assist Kent Police and other statutory and enforcement agencies in carrying out their regulatory, investigatory and enforcement duties in Yalding.

Overview

Yalding Parish Council (referred to as 'The Council') is responsible for the management and operation of one Closed Circuit Television Camera (CCTV) system which it operates in and around Parish.

The Council uses CCTV cameras to improve public safety and to assist in the prevention and detection of crime and disorder and to provide short term CCTV coverage of public spaces identified as hotspot locations for crime or disorder and/or to assist Council Departments in carrying out their regulatory, investigatory and enforcement duties.

Mobile visible CCTV Cameras

The mobile camera system is contained within a box which is fixed onto an existing street lighting column with a bracket, with camera electrical power being taken from the lighting column.

This camera unit contains 4 CCTV cameras (a Polecat camera has 4 cameras in one unit) which records footage onsite to a hard drive located within the camera unit (approximately 15+ days recording depending on set up and size of inbuilt hard drive). Footage from all camera units is downloaded wirelessly to a laptop retained by the Police Community Safety Officer (PCSO) located within Maidstone's Community Safety Unit.

Mobile CCTV support service

The Community Safety Unit provides a support service including advice, deployment and footage download for the police and enforcement departments.

The PCSO located within the Community Safety Unit is the main contact for this cameras and will work in partnership with us, conducting the relevant ongoing service checks and deployment/set up of these camera units. Access to the recordings or views of the cameras is only via the Community Safety Unit PCSO to ensure no unauthorised persons having access to the footage and software/hardware.

Dummy CCTV Cameras

Yalding Parish Council does not use any dummy cameras.

Recording and Monitoring Methods

- Images are recorded on site at the camera location with PCSO able to view and provide images to approved personnel after an incident has occurred. (i.e. Police or Council Enforcement Officers).
- Images remain on the camera for approximately 28 days before they are automatically over written.

Requesting Disclosure of CCTV Images

Contact the Maidstone Community Safety Unit to check if the Council holds images which you wish to obtain. Tel. 01622 602000 E-mail: communitysafety@maidstone.gov.uk

COMMISSIONING AND DECOMMISSIONING CCTV CAMERAS

1. Requests for CCTV – Commissioning a CCTV camera

All requests for the installation of a CCTV camera by the Council should be directed to the Maidstone Community Safety Unit for review.

The following criteria will be used to determine whether the installation of a CCTV camera is appropriate, proportionate, necessary and justified.

2. Purpose of Camera – CCTV Code of Practice and Evidential Basis

Is the reason that the camera has been requested compliant with the CCTV Code of Practices? A CCTV camera can be installed for the following reasons:

Crime Prevention and/or Public Safety

Is there statistical evidence available to the Parish Council during the previous 6 months which shows that:

The area experienced, serious, frequent anti-social / criminal behaviour which can be shown to have negatively impacted on the wider community and which continued despite actions by outside agencies to reduce/resolve the problem, OR

The area is, or will shortly be, experiencing significant physical redevelopment. A crime prevention survey has shown that it is likely that this will lead to an increased risk of crime or disorder in the area and in the opinion of the Crime Prevention Officer this risk cannot be prevented or significantly reduced using other crime prevention methods. OR

To assist in the detection of anti-social behaviour or crime and/or the identification, apprehension or prosecution of offenders. OR

To support public realm safety issues e.g. to assist in crowd control at large, organised public events.

A request for a CCTV camera will be rejected where:

the Parish Council is not able to identify an area as a hotspot location experiencing serious, frequent anti-social / criminal behaviour within the last 6 months and which cannot be shown to have had a negative impact on the wider community, AND/OR

significant physical development is not occurring and/or where it is judged not likely to lead to an increased risk of crime or disorder in the area and/or the risk can be prevented or significantly reduced using other crime prevention methods.

3. Crime Prevention Review

Has a crime prevention report been obtained?

Is it the opinion of the Crime Prevention Officer that other possible crime prevention solutions are unlikely or unable to provide improved security for the area?

A request for a CCTV camera will be rejected where a crime prevention report has not been obtained and/or where other crime prevention solutions judged appropriate by the Crime Prevention Officer for dealing with the problem have not been first attempted.

Funding

Requests for new cameras will have to identify the funding source to cover the following costs:

- planning application costs
- purchase, (camera, camera bracket, camera column - where appropriate)
- installation
- purchase of alternative viewing and recording equipment
- ongoing running costs, (connection and electricity, annual inspection and maintenance, insurance, and mid-life refurbishment costs)

Where CCTV cameras are requested for shopping parades and industrial estates the development of a Service Level Agreement between the Council and local businesses should be considered, with a service charge levied on local businesses to cover the installation and operating costs of the requested camera(s).

In order to ensure the financial viability of the CCTV service a request for a CCTV camera may be rejected where the above costs covering a 10 year period have not been identified, committed or deemed critical.

Review of CCTV – Decommissioning/Relocating a camera

The Information Commissioner's Code of Practice for CCTV 2008 states that the use of CCTV should be regularly reviewed to ensure that its use continues to be justified.

Due to this Yalding Parish Council CCTV camera will be reviewed on frequent basis to ensure compliance with the Code of Practice and in turn to ensure compliance with the Data Protection Act 1998. CCTV cameras will be reviewed annually using evidence available to the Maidstone's Community Safety Unit.

The following information will be used to consider whether a CCTV camera location continues to be justified under the Code of Practice for CCTV:

- Contributes to public realm reassurance (e.g. lost children)
- Original reason for the camera being installed, (i.e. building security)
- Crime figures, anti-social behaviour incidents and intelligence logs
- Age of the camera
- Annual cost of the camera, (connection/power and repair costs)

Where the evidence can be found to show that a CCTV camera location continues to be justified under the Code of Practice for CCTV the camera will remain.

Where evidence, gathered over a 6 month period, cannot be found to show that a CCTV camera location continues to be justified under the Code of Practice for CCTV the camera will be:

Removed and placed at another location known to be experiencing serious, frequent anti-social / criminal behaviour which can be shown to be negatively impacting on the wider community and which continues despite actions by outside agencies to reduce/resolve the problem, OR

Removed with the camera placed in storage or dismantled for spare parts and the camera site decommissioned (where no current crime or disorder hotspots have been identified justifying the installation of a camera or where insufficient funding is available to relocate the camera).

MAINTENANCE

Maintenance Responsibilities

Yalding Parish Council is responsible for the maintenance of the mobile CCTV unit.

Camera Life Expectancy

The average projected life span of an external CCTV camera is estimated at between 6 to 8 years. This is dependent on; the type of camera and camera mount, the exposure of the camera site; the camera receiving regular maintenance over its life span; and on the camera being subject to a mid life span refurbishment programme.

COMPLAINTS

Any complaints regarding a CCTV camera should be made to the Parish Clerk who will investigate the matter and will aim to provide a full written response within 10 working days once approved by the Full Council.

If after this a complainant is still dissatisfied with the way their complaint has been dealt with they should submit a Formal Complaint to Yalding Parish Council via its Complaints Procedure.

CCTV CONTACTS - RESPONSIBLE OFFICERS

Angela Gent
Clerk to Yalding Parish Council
Auckland Barn
Oast Court
Yalding ME18 6JY

Tel: 01622 814134

Email: clerk@yaldingparishcouncil.gov.uk

APPENDIX 1: INFORMATION COMMISSIONERS CODE OF PRACTICE FOR CCTV: DECIDING WHETHER TO USE CCTV OR TO CONTINUE USING CCTV

Using CCTV can be privacy intrusive, as it is capable of putting a lot of law-abiding people under surveillance and recording their movements as they go about their day to day activities.

You should carefully consider whether to use it; the fact that it is possible, affordable or has public support should not be the primary motivating factor.

You should take into account what benefits can be gained, whether better solutions exist, and what effect it may have on individuals.

Example: Cars in a car park are frequently damaged and broken into at night. Consider whether improved lighting would reduce the problem more effectively than CCTV.

You should consider these matters objectively as part of an assessment of the scheme's impact on people's privacy. This does not have to be an extensive or time-consuming process in all cases. The extent of assessment necessary will depend on the size of the proposed scheme and the level of impact it is likely to have on people's privacy.

You should use the results of the impact assessment to determine whether CCTV is justified in all the circumstances and if so how it should be operated in practice.

The things to cover in any impact assessment include:

1. What organisation will be using the CCTV images? Who will take legal responsibility under the Data Protection Act (DPA)?
2. What is the organisation's purpose for using CCTV? What are the problems it is meant to address?
3. What are the benefits to be gained from its use?
4. Can CCTV technology realistically deliver these benefits? Can less privacy-intrusive solutions, such as improved lighting, achieve the same objective?

If you are establishing a large system, or considering a use of CCTV which could give rise to significant privacy concerns, you may wish to consider using the ICO's Privacy impact assessment handbook.

If CCTV is used by a business or organisation, then it is the body that is legally responsible under the DPA (the "data controller"), not an individual member of staff.

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5. Do you need images of identifiable individuals, or could the scheme use other images not capable of identifying the individual?
 6. Will the particular equipment/system of work being considered deliver the desired benefits now and remain suitable in the future?
 7. What future demands may arise for wider use of images and how will you address these?

8. What are the views of those who will be under surveillance?
9. What could you do to minimise intrusion for those that may be monitored, particularly if specific concerns have been expressed?

Where the system will be operated by or on behalf of a public authority, the authority will also need to consider wider human rights issues and in particular the implications of the European Convention on Human Rights, Article 8 (the right to respect for private and family life). This will include:

1. Is the proposed system established on a proper legal basis and operated in accordance with the law?
2. Is it necessary to address a pressing need, such as public safety, crime prevention or national security?
3. Is it justified in the circumstances?
4. Is it proportionate to the problem that it is designed to deal with? If this is not the case then it would not be appropriate to use CCTV.

APPENDIX 2: REGULATION OF CCTV

Non covert CCTV Regulation

On 1 May 2012 the Protection of Freedoms Act 2012 received Royal Assent. This new Act creates the role of a Surveillance Camera Commissioner who is responsible for the oversight of statutory authorities CCTV camera systems through the introduction of a new mandatory Code of Practice for CCTV. The Surveillance Camera Commissioner replaces the Information Commissioner's Office who was previously responsible for regulating the use of non covert CCTV cameras operated by the Council under the Data Protection Act 1998 and the Freedom of Information Act 2000 and the CCTV Code of Practice which the Council follows to ensure its CCTV camera systems are managed in line with national best practice and that their use is compliant with the Data Protection Act 1998.

Covert CCTV Regulation: Changes to local authority use of RIPA

The Office of Surveillance Commissioners is responsible for regulating the use of covert CCTV cameras operated by the Council under the Regulation of Investigatory Powers Act (RIPA) 2000.

RIPA is the law governing the use of covert techniques by public authorities. It requires that when public authorities, such as the police or government departments, need to use covert techniques to obtain private information about someone, they do it in a way that is necessary, proportionate, and compatible with human rights. RIPA's guidelines and codes apply to actions such as:

- intercepting communications, such as the content of telephone calls, emails or letters
- acquiring communications data: the 'who, when and where' of communications, such as a telephone billing or subscriber details
- conducting covert surveillance, either in private premises or vehicles (intrusive surveillance) or in public places (directed surveillance)
- the use of covert human intelligence sources, such as informants or undercover officers
- access to electronic data protected by encryption or passwords

RIPA applies to a wide-range of investigations in which private information might be obtained. Cases in which it applies include:

- terrorism
- crime
- public safety
- emergency services

From 1 November 2012 new [guidance on local authority use of RIPA](#), means local authorities are required to obtain judicial approval prior to using covert techniques. This order requires any covert surveillance authorised under the Regulation of Investigatory Powers Act to be further authorised by a court order from a Magistrates' Court.

Additionally, from this date local authority use of directed surveillance under RIPA will be limited to the investigation of crimes which attract a 6 month or more custodial sentence, with the exception of offences relating to the underage sale of alcohol and tobacco.

Other Legislation Impacting On CCTV

In addition to the above legislation and regulation CCTV cameras are used by the Council in accordance with the criminal and civil law and

Criminal Justice and Public Order Act 1994

Section 163 of the Act allows local authorities to provide CCTV cameras to promote the prevention of crime or the welfare of victims of crime and requires that the local authority consult the police over these cameras.

Criminal Procedures and Investigations Act 1996

This Act creates a statutory framework for the disclosure to defendants of material which the prosecution does not intend to use in the presentation of its own case – known as unused material. This may include, where in existence, CCTV camera images.

Human Rights Act 1998

Article 8 - The Right to Respect for Private and Family Life.

Crime and Disorder Act 1998

Section 17 of the Act requires a local authority to consider the impact of everything it does on crime and disorder e.g. what impact does the operation of a service, policy, procedure, working practice, service level agreement etc. have on community safety.

Private Security Industry Act 2001

Under the Act a Security Industry Authority (SIA) licence is required for personnel who carry out public space surveillance – i.e. CCTV operators.

APPENDIX 3: DISCLOSURE OF CCTV IMAGES

Surveillance Camera Commissioner

The Surveillance Camera Commissioner was created within the Protection of Freedoms Act 2012 to meet the Coalition agreement to further regulate CCTV. The act commits the Secretary of State to produce a code of practice about surveillance camera systems which sets out new guidelines for CCTV and automatic number plate recognition. The role of the Commissioner is to encourage compliance with the code, review how the code is working and to provide advice to ministers on whether or not the code needs amending. The Surveillance Camera Commissioner Office website provides advice and guidance regarding the use of CCTV.

The Council's use of CCTV cameras is covered by the Data Protection Act 1998, the Regulation of Investigatory Powers Act 2000 and the Protection of Freedoms Act 2012.

The Council uses clearly visible and readable signs to inform people that it is using non covert CCTV cameras in an area. These signs also contain the contact details of the Council.

Under the Data Protection Act 1998 people have the right to see CCTV images of them held by the Council and to ask for a copy of them. This is called a Subject Access Request. Under the Act the Council must deal with a Subject Access Request within 40 calendar days.

The person making a request will need to provide the Council with proof of their identity to show they are the person in the images requested and of the date and time period involved to help the Council to find any images of the subject on the CCTV system involved.

The Council is not allowed to disclose images of identifiable people to the media or to put them on the internet for entertainment. Images from Council CCTV systems can however be released to help identify a person or for legal reasons, for example crime detection. CCTV images may also be released due to a court order. Such images will generally be disclosed by the police.

Police Officers, Statutory Agencies, Enforcement Agencies and Council Departments are permitted to request and remove copies of CCTV images from Council CCTV systems when investigating criminal or civil offences or where court proceedings or other enforcement action may occur - subject to the rules of evidence.

Once the Council gives CCTV images to another organisation, then that organisation is also responsible for ensuring that its handling of the images is compliant with the Data Protection Act.

The CCTV cameras managed by the Council are also subject to the Freedom of Information Act 2000. This Act allows people to request official information (i.e. regarding CCTV) held by the Council which requires a response within 20 working days.

Where CCTV images are requested under the Freedom of Information Act by a person within the images requested, the request will be handled under the Data Protection Act as a Subject Access Request. If, however, other people are identifiable in the CCTV images requested, then the images would be considered personal information and it is likely they would be exempt from the Freedom of Information Act.