

Subject:	CCTV Code of Practice	Status:	For Publication
Report to:	Cabinet	Date:	23 rd October 2013
Report of:	Locality Manager	Portfolio Holder:	Leader of the Council and Communities and Partnerships
Key Decision:	<input type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	Yes	Attached: Yes
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION(S)
1.1	That Cabinet approve the Rossendale Borough Council CCTV Code of Practice for implementation.
1.2	That all future minor amendments to the Code of Practice to be delegated to the Manager of the CCTV system in consultation with the Portfolio Holder.

2. PURPOSE OF REPORT

2.1 To outline the Council's CCTV Code of Practice and the reason it has been developed. To request that Cabinet approve the Rossendale Borough Council CCTV Code of Practice for implementation.

3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **Regenerating Rossendale:** This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
- **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.
- **Clean Green Rossendale:** This priority focuses on clean streets and town centres and well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition.

4. RISK ASSESSMENT IMPLICATIONS

4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- Failure to implement a CCTV code of practice which clearly sets out the ways and principles in accordance with which the CCTV system is operated and managed could leave the Council vulnerable to challenge and could detrimentally affect the Council's reputation and customer confidence in the organisation.
- The Code of Practice includes an ability to charge customers (no more than £10) for making a subject access request. Whilst this is in line with government guidance, if implemented this may deter those on a low income from making a request they are legally entitled to make.

5. BACKGROUND AND OPTIONS

5.1 The Council owns and operates a CCTV system in the areas of Bacup, Stacksteads, Haslingden and Rawtenstall for the following purposes:

- Reducing the fear of crime
- Deterring and preventing crime
- Assisting in the maintenance of public order and tackling offences involving vandalism and nuisance
- Providing high quality evidence which may assist in the detection of crime and the apprehension and prosecution of offenders
- Protecting property
- Providing assistance with civil claims
- Providing assistance with issues relating to public safety and health

5.2 In managing and operating the CCTV system, the Council and its officers adhere to relevant guidance from the Information Commissioner's Office and the Home Office. The aim of consolidating this guidance into the Rossendale Borough Council CCTV Code of Practice is to set out clearly those principles and procedures which the Council follows in order to ensure that good practice standards are maintained, that the Council continues to operate within their legal and moral duties and helps to foster public confidence that the Council and its officers take their responsibilities seriously.

5.3 The Code of Practice documents the management, administration and operation of the CCTV system in the Rossendale Borough Council area, including the objectives of the scheme, how data will be managed and processed, and to whom and in what circumstances data will be disclosed.

5.4 The Code aims to strike a balance between setting out clear guidance and information to the public about the operation of the system, and not revealing sensitive information which could lead to the scheme or its objectives being undermined.

5.5 Rossendale Borough Council is the 'Data Controller' for the system, which means it is responsible for determining the purposes for which and the manner in which any personal data is processed and disclosed. Data from the CCTV system will only be disclosed in accordance with Section 25 of the Code of Practice, which essentially means that images will only be disclosed to third parties who intend processing the data for purposes which are deemed compatible with the objectives of the CCTV scheme, and taking account of relevant legislation and guidance. Once an image or footage has been disclosed to a third party, such as the police, they become the Data Controller and are responsible for their copy of that image or footage. It is their responsibility to comply with relevant legislation and codes of practice in relation to what they do with that footage.

5.6 In developing the Code of Practice, the following guidance was taken into account:

- Surveillance Camera Code of Practice (Home Office: June 2013)
- CCTV Code of Practice (Information Commissioners Office: Revised Edition 2008)
- Subject Access Code of Practice (Information Commissioner's Office: August 2013)
- CCTV Operational Requirements Manual (Home Office: 2009).

The Code of Practice was also compared with the good practice of other local authorities.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 The policy attached follows the national guidelines maximum charge of £10 per enquiry to cover costs. At present it is not clear if this would be sufficient to cover staff time required, but any additional work will have to be managed within existing resources, therefore any income would be additional to current budgets.

7. MONITORING OFFICER

7.1 No comments.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1 The proposed Code has been before the Corporate Overview and Scrutiny Committee on 23rd September 2013 where it was recommended that Cabinet approve the Code of Practice for implementation, and that minor amendments be delegated to the Manager of the system in consultation with the Portfolio Holder. No changes were suggested for the Code.

The Code of Practice has been shared with the Police who have also not suggested any changes. The Council has received positive feedback from neighbourhood policing officers on the management and operation of the CCTV system and use of the system has resulted in offenders being apprehended.

Senior Management and staff involved in the management of the CCTV scheme have also been consulted on the proposed Code.

The Equality Act 2010 requires the Council to have due regard in the exercising of its functions to three considerations. The need to :

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between people who share a relevant protected
- The amount of regard that is “due” is set out in the Act and will depend on the circumstances of the case.

Under the general equality duty there is a requirement to engage with people with protected characteristics and to have an adequate evidence base for Council decision-making.

An equality impact (appendix A) has been undertaken which identified that there are no negative equality impacts on any protected equality groups based on the implementation of this proposed Code of Practice. It is recognised that vulnerable groups can be subject to more antisocial behaviour and crime than other members of the community, therefore this CCTV scheme could have a potential positive impact on these groups as it may assist with the prevention or detection and successful prosecution of a hate crime associated with a particular equality group / vulnerable groups in the community.

9. CONCLUSION

9.1 Cabinet are asked to approve the Code of Practice for implementation and to delegate all future minor amendments to the Code of Practice to the Manager of the CCTV system in consultation with the Portfolio Holder

Background Papers

Document	Place of Inspection
Surveillance Camera Code of Practice (Home Office: June 2013) CCTV Code of Practice (Information Commissioners Office: Revised Edition 2008) Subject Access Code of Practice (Information Commissioner's Office: August 2013) CCTV Operational Requirements Manual (Home Office: 2009).	All are public documents. Copies available on request