

21 January 2014

Overview and Scrutiny Task Group - CCTV Provision

You are invited to attend a meeting of the Overview and Scrutiny Task Group - CCTV Provision to be held in **Committee Room 1, Town Hall, Chorley on Monday, 27th January 2014 commencing at 6.00 pm.**

AGENDA

1. **Apologies for absence**

2. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

3. **Scoping the Scrutiny Review of CCTV Provision in Chorley. (Pages 3 - 4)**

The scrutiny inquiry outline template is attached to assist in scoping the review. Information in the following agenda items will help inform the content of the review.

4. **Draft CCTV System Operating Policy 2013/14 (Pages 5 - 18)**

5. **Exclusion of the Public and Press**

To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

6. **Review of the Impact of Chorley Council CCTV Service Provision (Pages 19 - 34)**

Report of the Director of People and Places considered at Overview and Scrutiny Committee on 9 January 2013 (enclosed).

7. **Dates and times of future meetings.**

8. **Visit to the CCTV base at Chorley Police Station**

Arrangements have been made for Members of the Task Group to visit the CCTV base at Chorley Police Station at approximately 7.00pm.

9. **Any other item(s) the Chair decides is/are urgent**

Yours sincerely



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Chief Executive

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Distribution

1. Agenda and reports to all Members of the Overview and Scrutiny Task Group - CCTV Provision, Robert Finnamore (Chair), Kim Snape (Vice-Chair) and Doreen Dickinson, Graham Dunn, Roy Lees, June Molyneaux and Rosie Russell for attendance.
2. Agenda and reports to Simon Clark (Head of Health, Environment and Neighbourhoods), Paul Lowe (Merged Crime and Disorder Reduction Manager), Carol Russell (Democratic Services Manager) and Dianne Scambler (Democratic and Member Services Officer) for attendance.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk

Scrutiny Inquiry Project Outline Template

OVERVIEW AND SCRUTINY REVIEW - PROJECT OUTLINE

Review Topic: CCTV PROVISION

Objectives:

Desired Outcomes:

Terms of Reference:

Equality and diversity implications:

Risks:

Venue(s):

Timescale:

Start:

Finish

Information Requirements and Sources:

Documents/evidence:

Witnesses: (who, why?)

Consultation/Research: (what, why, who?)

Site Visits: (where, why, when?)

Officer Support:

Lead Officer:

Democratic & Member Services Officer:

Likely Budget Requirements:

<u>Purpose</u>	£
Total	_____

Chorley Council

Community Safety Partnership

CCTV System -

Operating Policy 2013/14

DRAFT

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1. Background

1.1 This policy has been reviewed on the 1st August 2013 in recognition of the new Surveillance Camera Code of Practice, pursuant to Section 29 of the Protection of Freedom Act 2012.

1.2 Chorley Council's closed circuit television (CCTV) system is solely owned and operated by Chorley Council and comprises a number of overt cameras located across the Chorley borough area.

1.3 All cameras are monitored from a Central Control Room located at Chorley Police Station and are only accessible to view by Chorley Council appointed CCTV Control Room Operators.

1.4 The Code of Practice advises on the appropriate and effective use of surveillance camera systems by relevant authorities (as defined by section 33 of the Protection of Freedom Act 2012) in England and Wales, who must have regard to the code when exercising any functions to which the code relates. Other operators and users of surveillance camera systems in England and Wales are encouraged to adopt the code voluntarily. It is a significant step in the on-going process of delivering the Government's commitment to the 'further regulation of CCTV', which it believes is best managed in gradual and incremental stages. As the understanding and application of the new Code of Practice increases, central government may consider including other bodies as relevant authorities who will be required to act in accordance with the code of practice.

2. Purpose of Chorley Council CCTV Policy

2.1 The purpose of this policy is to support the regulation, management, operation and use of the CCTV system for Chorley Borough Council.

Surveillance camera systems are deployed extensively within England and Wales and these systems form part of a complex landscape of ownership and operations. Where used appropriately these systems are valuable tools, which contribute to public safety and security in protecting both people and property.

2.2 The Government is fully supportive of the use of overt surveillance cameras in a public place, whenever that use is in accordance with the following principles:

- In pursuit of a legitimate aim
- Necessary to meet a pressing need
- Proportionate
- Effective
- Compliant with any relevant legal obligations

2.3 The purpose of this Policy will be to ensure that individuals and the wider communities of Chorley, have confidence that surveillance cameras are deployed to protect and support them rather than spy on them. The Government considers that wherever overt surveillance in public places is in pursuit of the above principles, any such surveillance should be characterised as surveillance by consent. Furthermore consent on the part of the community of Chorley must be informed and not assumed by a system operator; for example surveillance by consent should be regarded as analogous to policing by consent.

2.4 In order to achieve this, the Policy sets out guiding principles that should apply to all surveillance camera systems in public places. These guiding principles are designed to provide a framework for operators and users of surveillance camera systems, so that there is proportionality and transparency in their use of surveillance and that systems are capable of providing good quality images and other information, which are fit for purpose.

2.5 To support the practical application of these guiding principles the Surveillance Camera Commissioner will provide information and advice, on appropriate and approved operational and technical standards for various aspects of surveillance camera systems.

3. Guiding Principles

Chorley Council CCTV surveillance system will be operated with regard to the following guiding principles:

4. Principle 1 - Use of surveillance camera systems must always be for specified purpose, which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.

In order to satisfy this guiding principle the Chorley Council CCTV system has the following objectives:

4.1 To protect the residents, environment and the people who work and visit the borough of Chorley

4.2 To improve feelings of safety

4.3 To support the Lancashire Constabulary in a bid to deter and detect crime

4.4 To assist in identifying, apprehending and prosecuting offenders

4.5 To protect members of the public

4.6 To protect private and public buildings

4.7 To support the Community Safety Partnership in relation to reducing and preventing crime and disorder

4.8 To assist in the management of the Chorley town centre radio scheme in conjunction with the retail and business sector

4.9 To monitor and safeguard town centre car parks to deter all aspects of auto-crime

4.91 To help tackle and identify offenders of anti-social behaviour

5. Principle 2 - The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.

5.1 The CCTV surveillance system will be registered with the Information Commissioner under the terms of the Data Protection Act 1998 and will comply with the requirements of the Data Protection Act 1998, the Surveillance Camera Code of Practice section 29 of the Protection of Freedom Act 2012, Regulation of Investigatory Powers Act 2000 and The Human Rights Act Article 8.

5.2 Chorley Council will conduct a bi-annual review of the CCTV surveillance system including policy, camera locations and performance.

5.3 CCTV Operators and Supervisors have been instructed that static cameras are not to focus on private homes, gardens and other areas of private property, unless authorised under the Regulation of Investigatory Powers Act 2000 via Lancashire Constabulary, Chorley Council or other authorised authority.

5.4 Unless an immediate response to events is required and upon police instruction, contact via town centre radio or prior approval from Chorley Council managers, staff must not direct cameras at an individual, their property or a specific group of individuals.

6. Principle 3 - There must be as much transparency in the use of surveillance camera systems as possible, including a published contact point for access to information and complaints.

6.1 The planning and design of the CCTV scheme will ensure that it provides maximum effectiveness and efficiency.

6.2 Warning signs, as required by the Code of Practice (BS 7958:2009) have been placed at all access routes to areas covered by the Chorley Borough Council CCTV.

6.3 Information regarding Chorley Borough CCTV will be published by Chorley Council.

7. Principle 4 - There must be clear responsibility and accountability for all surveillance camera system activities, including images and information collected, held and used.

7.1 The CCTV surveillance system will be administered by Chorley Council and managed by the Community Safety Manager, in accordance with the recommendations under the Surveillance Camera Code of Practice section 29 of the Protection of Freedom Act 2012.

7.2 The CCTV system is part of the Community Safety Team within Health, Environments & Neighbourhoods service, within Chorley Council. Responsibility for the CCTV system is held with the senior management team and head of service at Chorley Council. Although Chorley Council works closely with partners, including South Ribble Council and Lancashire Constabulary, these partners do not have responsibility for the CCTV system itself.

8. Principle 5 - Clear rules, policies and procedures must be in place before a surveillance camera system is used and these must be communicated to all who need comply with them.

8.1 The CCTV system will only be staffed by personnel who are authorised to act in that capacity by Chorley Council.

8.2 The CCTV system will be in operation 24 hours a day, 365 days of the year. The system will be monitored by CCTV Operators in accordance with agreed operating hours.

8.3 Hours of operation for CCTV Operators will be reviewed annually after analysis of local crime and anti-social behaviour patterns are taken into account.

8.4 Should an operator witness an event that requires any other emergency services he/she must contact the appropriate service immediately.

8.5 In order to utilise the CCTV system for covert purposes, as recognised under the Regulation of Investigatory Powers Act 2000 the relevant authorisation must be obtained.

8.6 Any breach of the CCTV Operating Policy 2013/14 CCTV Operators or Supervisors will initially, be investigated by Chorley Councils Community Safety Manager.

8.7 Recommendations will be made based on findings of an investigation, with an appropriate course of action determined by Chorley Councils Community Safety Manager in conjunction with Human Resources.

8.8 Any serious breach of the CCTV Operating Policy that may or may not constitute criminal proceedings, will be referred by Chorley Council to Lancashire Constabulary.

8.9 If surveillance is planned as part of a pre-planned operation, then an operational order with appropriate Regulation of Investigatory Powers Act 2000 with authorisation must be in place.

8.10 Any pre-planned operation must be accompanied by an Operational Order, detailing the nature and extent of the operation. Such an operation must be authorised by Chorley Councils Community Safety Manager.

9. Principle 6- No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system and such images and information should be deleted once its purpose is fulfilled or for law enforcement purposes .

9.1 In order to maintain and preserve the integrity of recordings the following procedures for their use and retention must be strictly adhered to:

9.11 Each evidential recording must be identified by a unique evidence number.

9.12 A new CD or storage device must be used to copy the recording

9.13 A CD must only be 'burned' to store the event or occurrence required for evidential purposes.

9.14 The produced evidence must only contain footage related to the incident and not unconnected events.

9.15 The CCTV operators must register the date and time on the CD insert or storage device used, including the evidence reference number.

9.2 A CD required for evidential purposes must be:

- Sealed
- Witnessed where possible
- Signed by the CCTV Operator
- Date of incident
- The Master Copy of evidential recordings must be stored in a separate and secure unique store
- If evidential footage is not copied for the police before it is sealed, a copy may be made at a later date providing that it is then resealed, witnessed and signed by the operator, then dated and returned to the evidence store.
- If the evidential footage is archived its unique evidence number must be noted.

9.3 Footage will be stored on the CCTV recording hard drive for no longer than 30 consecutive days. Footage copied for evidence related use will be kept securely for 6 months after the conclusion of proceedings, after which evidence will be disposed securely by CCTV Operators.

10. Principle 7 - Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.

10.1 Recordings may be viewed by the Police for the prevention and detection of crime.

10.2 Chorley Councils management team, who have direct responsibility for the CCTV surveillance system, may access recordings for supervisory purposes and for demonstration purposes in training exercises.

10.3 Such recordings, as outlined in Paragraph 9.2, must not be copied or given to any third party agents except in circumstances within the agreed Local Protocol between the Police and Chorley Council, (Appendix 1 to this policy).

10.4 Chorley Council will maintain the 'release of recordings' to the police or other authorised applicants. A register will be available for this purpose.

10.5 The record will be maintained in a written hard copy and the electronic CCTV Database.

10.6 Requests by the Police can only be 'actioned' under section 29 of the Data Protection Act 1998. (These purposes include prevention and detection of crime, apprehension and prosecuting of offenders or public/employee safety (Sec 29 DPA 98)).

10.7 Should evidence be required, a copy will be released to the Police following the procedures outlined in paragraph 9.2 of the CCTV Operating Policy 2013/14 and proceeding paragraphs.

10.8 Access to the CCTV Control Room will be strictly limited to authorised personnel.

10.9 Visitors and other contractors, wishing to enter the Control Room will be subject to the following arrangements:

- Control Room Operators must satisfy themselves over the identity of any visitors to the Control Room and the purpose of the visit. (Check photo ID).
- Details of all visits and visitors will be recorded in the CCTV Control Room.
- Visitors and other contractors will be required to sign in and out, in accordance with local confidentiality agreements.
- Visitors and contractors must obtain permission from the Senior CCTV Operator or Chorley Councils Community Safety Manager.

- Visitors must be accompanied by a CCTV Operator or member of Chorley Council management team responsible for CCTV.

10.10 Access to the CCTV operating room will be kept secure by an electronic door entry system.

10.11 Any materials or knowledge secured as a result of CCTV will not be used for any commercial purpose. Footage/evidence will only be released to the media for use in the investigation of a specific crime and with the written authority of Lancashire Constabulary. Evidence or footage will not be released to the media for purposes of entertainment.

10.12 Evidence/footage will only be released to the Police with the clear understanding that the recording remains the property of the Chorley Council and both evidence/footage will be used in accordance with the CCTV Operating Policy 2013/14 and other relevant legislation.

10.13 Chorley Council retains the right to refuse permission for Lancashire Constabulary to pass evidence or recordings or part thereof, to any 3rd parties other than those involved in the prosecution of an offender (s) or as part of a police authorised investigation or training event for police.

10.14 In circumstances where the Crown Prosecution Service or HMRC require the production of a master copy for evidential purposes, then such a recording will be produced from the secure evidence store complete in its sealed bag (in conjunction with section 9.1 of this policy).

10.15 Recordings of this nature will be securely stored in accordance with the agreed procedure outlines in section 9.1 of this policy.

10.16 Still photographs can be produced for the Constabulary as part of the evidence chain to assist in the identification or prosecution of offender(s).

10.17 Footage requests received from external bodies or individuals to view or release recordings will be referred to Chorley Councils Information Manager. In these circumstances footage/evidence will normally be released upon completion of relevant documentation. Evidence is produced showing that they are required for legal proceedings, a subject data access request, or in response to a Court Order.

10.18 Chorley Council reserves the right to charge for the release of such requests.

11. Principle 8 - Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.

11.1 1 All CCTV Operators will receive training by the Senior CCTV Operator, in regards to the use of CCTV, rules and regulations. Furthermore CCTV Operators will receive an individual copy of this policy to which they will be required to sign for.

12. Principle 9 - Surveillance camera system images and information should be subject to appropriate security measures, to safeguard against unauthorised access and use.

12.1 The CCTV system will only be staffed by personnel who are authorised to act in that capacity by Chorley Council.

12.2 The CCTV system will be in operation 24 hours a day, 365 days of the year. The system will be monitored by CCTV Operators in accordance with agreed operating hours.

12.3 Hours of operation for CCTV Operators will be reviewed annually after analysis of local crime and anti-social behaviour patterns are taken into account.

12.4 Should an operator witness an event that requires any other emergency services they must contact the appropriate service immediately.

12.5 In order to utilise the CCTV system for covert purposes, relevant authorisation under the Regulation of Investigatory Powers Act 2000 must be obtained.

12.6 Any breach of the CCTV Operating Policy 2013/14 CCTV Operators or Supervisors will initially, be investigated by Chorley Councils Community Safety Manager.

12.7 Recommendations will be made based on findings of an investigation, with an appropriate course of action determined by Chorley Councils Community Safety Manager with Human Resources.

12.8 Any serious breach of the CCTV Operating Policy that may or may not constitute criminal proceedings will be referred to Lancashire Constabulary.

12.9 If surveillance is planned as part of a pre-planned operation, then an operational order with appropriate Regulation of Investigatory Powers Act 2000 with authorisation must be in place

12.10 Any pre-planned operation must be accompanied by an Operational Order, detailing the nature and extent of the operation. Such an operation must be authorised by Chorley Councils Community Safety Manager.

12.11 In order to maintain and preserve the integrity of recordings the following procedures for their use and retention must be strictly adhered to:

12.12 Each evidential recording must be identified by a unique evidence number.

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12.4 A CD must only be 'burned' to store the event or occurrence required for evidential purposes.

12.15 The produced evidence must only contain footage related to the incident, and not unconnected events.

12.16 The CCTV operators must register the date and time on the CD insert or storage device used, including the evidence reference number.

12.17 A CD required for evidential purposes must be:

- Sealed
- Witnessed where possible
- Signed by the CCTV Operator
- Date of incident
- The Master Copy of evidential recordings must be stored in a separate and secure unique store
- If evidential footage is not copied for the police before it is sealed, a copy may be made at a later date providing that it is then resealed, witnessed and signed by the operator, then dated and returned to the evidence store.
- If the evidential footage is archived its unique evidence number must be noted.

12.18 (See Point 9.3 above)

13. Principle 10 - There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports issued.

13.1 Chorley Councils Community Safety Manager will provide regular reports at least annually, in relation to operation of the CCTV surveillance system and where appropriate relevant consultations will take place.

13.2 Diagnostic checks will be conducted daily by CCTV Operators focusing on recording equipment and camera functionality

13.3 A CCTV provider will be contracted to ensure CCTV infrastructure is suitably maintained.

14. Principle 11 - When the use of a surveillance camera system is in pursuit of a legitimate aim and a pressing need, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information for evidential value.

14.1 In order to maintain and preserve the integrity of recordings the following procedures for their use and retention must be strictly adhered to:

14.2 Each evidential recording must be identified by a unique evidence number.

14.3 A new CD or storage device must be used to copy the recording.

14.4 A CD must only be 'burned' to store the event or occurrence required for evidential purposes.

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- If the evidential footage is archived its unique evidence number must be noted.

14.8 (See Point 9.3 above)

15. Principle 12 - Any information used to support a surveillance camera system, which matches against a reference database for matching purposes should be accurate and kept up to date.

15.1 The CCTV surveillance system will be administered by Chorley Council and managed by the Community Safety Manager, in accordance with the recommendations of the Surveillance Camera Code of Practice pursuant to Section 29 of the Protection of Freedom Act 2012.

15.2 The management of the CCTV system will be responsibility of Chorley Councils Community Safety Manager.

16. Key Personnel & Access to Information

16.1 The Data Protection Act 1998 provides Data Subjects (individuals to whom "personal data" is related), with a right to data held about them, including those obtained by CCTV.

16.2 Subject Access requests should be made in writing to the Information Manager. Civic Offices Union St, Chorley PR7 1AL

16.3 CCTV system manager Paul Lowe (Community Safety Manager) based at, Civic Offices Union St, Chorley PR7 1AL

17. Complaints

17.1 Any complaints regarding Chorley Council CCTV system should be addressed to The Monitoring Officer, Chorley Council, Town Hall, Market Street, Chorley, PR7 1DR.

17.2 When a complaint is received, it will be acknowledged within 5 working days.

18. System Registration and Legislation

18.1 Chorley Councils CCTV system is registered with the Information Commissioner. The CCTV operations are subject to the following legislation:

The Data Protection Act 1998 (DPA).

The Human Rights Act 1998 (HRA).

The Freedom of Information Act 2000 (FOIA).

The Regulation of Investigatory Powers Act 2000 (RIPA).

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