

**Cheltenham Borough Council
Cabinet – 12 November 2013**

**Policy for the operation of CCTV surveillance systems
on Council owned properties.**

Accountable member	Councillor Jon Walklett, Cabinet Member for Corporate Services
Accountable officer	Mark Sheldon, Director Corporate Resources
Ward(s) affected	None
Key Decision	No
Executive summary	<p>This report relates to use of all CCTV surveillance systems within and on Council own property (excluding town centre equipment operated by Gloucestershire Police) including Automatic Number Plate Recognition Systems (ANPR).</p> <p>The Information Commissioner (IC) recommends that all councils that operate CCTV have in place a Code of Practice (CoP) in relation to any systems that they have in public places.</p> <p>The Government has also appointed a Surveillance Camera Commissioner (SCC) who has also published a model CoP for Surveillance Cameras this provides guidance on the requirements of the Protection of Freedoms Act. Councils must produce a CoP to support the use of overt surveillance.</p> <p>The report proposes that the Council adopts a policy that provides guidance to service managers on the operation of CCTV equipment and the drafting of a code of practice for their CCTV system.</p> <p>The purpose of this policy is two fold, firstly it will be to ensure that individuals and the wider communities have confidence that surveillance cameras are deployed to protect and support them, rather than spy on them.</p> <p>The second purpose is to provide assurance that where Cheltenham Borough Council uses these complex technologies it will do so in line with the requirements for Data Protection Act 1998.</p>
Recommendations	That Cabinet approve the Policy for the operation of CCTV surveillance systems on Cheltenham Borough Council property.

Financial implications	<p>There are no direct financial implications but if the Council failed to agree and apply a CCTV policy or System Codes of Practice there are risks that could incur substantial financial penalties.</p> <p>Contact officer: Mark Sheldon Director of Resources</p> <p>Email; Mark.sheldon@cheltenham.gov.uk</p> <p>Tel: 01242 264123</p>
Legal implications	<p>The CCTV policy and codes of practice for individual systems need to comply with the principles of the Data Protection Act 1998 and the codes of practice on CCTV and Surveillance. Officers also need to consider the Regulation of Investigatory Powers Act 2000 and the Human Rights Act 1998. Failure to comply with the above legislation could result in fines and reputational damage.</p> <p>Contact officer: Sarah Halliwell, sarah.halliwell@tewkesbury.gov.uk, 01684 272692</p>
HR implications (including learning and organisational development)	<p>Employee privacy should be considered with regards to usage of CCTV, but no other direct HR implications in this report.</p> <p>Contact officer: Donna Sheffield</p> <p>Email: donna.sheffield@cheltenham.gov.uk</p> <p>Tel: 01242 774972</p>
Property services implications	<p>Service managers who consider that there is a need for a CCTV system will need to consult Property Services Division prior to purchase, installation and for routine maintenance contract arrangements.</p> <p>Where equipment is installed in a building which is being managed by an outside service provider e.g. Ubico or Leisure and Culture Trust, the Property Services Division will need to ensure that asset registers and lease agreements reflect ownership and roles and responsibilities in respect of the management of these systems.</p> <p>Where CCTV systems exist annual Privacy Impact Assessments will need to be carried out by Service managers and any adjustments and alterations to the location of equipment will need to reported to the Property Services Manager.</p> <p>Contact officer: Tom Mimmagh, Property Service Manager</p> <p>Email: tom.mimmagh@cheltenham.gov.uk</p> <p>Tel: 01242 264164</p>

Key risks	<p>Councils that install and operate CCTV equipment and fail to comply with legislation and codes of practice could incur financial penalties, legal costs and reputational damage.</p> <p>There is a risk to people's privacy, which has been identified through the Community Impact Assessment (Appendix 3) and will be managed and mitigated through Privacy Impact Assessments by the Service Managers.</p>
Corporate and community plan Implications	<p>Supports the Corporate Strategy objective of Strengthening our Communities by</p> <ul style="list-style-type: none"> ➤ Reducing anti-social behaviour ➤ Tackling high-profile crime. <p>It also improves transparency in respect of informing the public about how we operate these systems and protect their privacy.</p>
Environmental and climate change implications	<p>None</p>

1. Background

1.1 Cheltenham Borough Council uses CCTV and Automated Number Plate Recognition (ANPR) for a number of purposes including the detection and prevention of crime and anti-social behaviour and for the collection and enforcement of parking fees.

1.2 This Corporate CCTV Policy (appendix 2) provides guidance on the appropriate and effective use of surveillance camera systems and in particular how it meets the requirements of;

- the Data Protection Act 1998. (1998 Act)
- the Regulation of Investigatory Powers Act 2000. (2000 Act)
- the Protection of Freedoms Act 2012. (2012 Act)
- Information Commissioners CCTV Code of Practice
- Surveillance Commissioners, Surveillance Camera Code of Practice.
- Information Security Policy
- Data Protection Policy
- guidance and processes in relation to the Regulation of Investigatory Powers Act (RIPA)

1.3 The Council currently has CCTV equipment installed at;

- The Municipal Building
- The Swindon Road Depot
- The Town Hall
- The Pump room
- Leisure@
- The Wilson, Art Gallery and Museum
- The Crematorium
- On its car Parks including ANPR at Regent Arcade.

1.1. The purpose of corporate policy is two fold, firstly it will be to ensure that individuals and the wider communities have confidence that surveillance cameras are deployed to protect and support them, rather than spy on them.

1.2. The second purpose is to provide assurance that where Cheltenham Borough Council uses these complex technologies it will do so in line with the requirements for Data Protection Act 1998.

1.3. The government appointed Information and Surveillance Camera Commissioners both recommend that all councils that operate CCTV have in place a Code of Practice in relation to any systems that they have in public places.

1.4. The purpose of this Corporate Policy is to provide guidance to Service Managers who are the CCTV operators on the management, administration and operation of system. To enable them to agree and publish a system specific Code of Practice for their service area i.e. car parks, public buildings.

1.5. The CCTV Policy has 3 appendices that contain detailed guidance

- Appendix A, provides guidance on what the Systems Code of practice should include
- Appendix B, on how to carry out a CCTV system assessment and
- Appendix C on how requests for the release of data should be dealt with.

1.6. It will assist management and operators of the systems to understand their legal and moral obligations whilst reassuring the public about the safeguards contained within it.

- 1.7. The owners and users of the CCTV systems shall be required to give a formal undertaking through the Annual Assurance review that they comply with the CCTV Policy and their Code of Practice and act in good faith with regard to the basic principles contained within it.
- 1.8. The system operator (Service Manager) is responsible for compliance with the requirements of the Data Protection Act.
- 1.9. Any major changes to this Code of Practice will be approved by Cabinet. This Code of Practice will be subject to review as required by the Director of Resources who is authorised to make minor amendments.

2. Reasons for recommendations

- 2.1 If the Council identifies the need for a CCTV system then it must ensure that it complies with the law and model codes of practice to ensure that the system is being used correctly and data is being collected stored and released lawfully. This CCTV Policy will support Service managers and inform the public on the way that the Council will meet its legal obligations.

3. Alternative options considered

- 3.1 None

4. Consultation and feedback

- 4.1 The policy has been considered by the Senior Leadership Team, The Corporate Governance Group, the Go Shared Service HR partners and Service Managers with CCTV equipment.

5. Performance management –monitoring and review

- 5.1 The owners and users of the CCTV systems shall be required to give a formal undertaking through the Annual Assurance Review that they comply with CCTV Policy and their Code of Practice and act in good faith with regard to the basic principles contained within it.

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Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. CCTV surveillance systems policy 3. Community Impact Assessment.
Background information	

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the Council installs and operates CCTV equipment and fails to comply with legislation and codes of practice than it could incur financial penalties,	Director of Corporate Resources	18/11/2013	3	2	6	reduce	Ensure that all directors and Service managers are aware of the CCTV policy so that system specific Codes of Practice can be put in place	1/1/2014	Corporate governance risk and compliance officer	
	If the Council fails to identify risks to peoples privacy then this could result in complaints to the IC and SCC	Director of Corporate Resources	18/11/2013	3	2	6	reduce	Ensure that all directors and Service managers are aware of the CCTV policy so that system specific Codes of Practice can be put in place and that Privacy Impact Assessments are undertaken.	1/1/2014	Corporate governance risk and compliance officer	
	If the Council installs and operates CCTV equipment and fails to comply with legislation and codes of	Director of Corporate Resources	18/11/2013	1	2	3	reduce	Ensure that all directors and Service managers are aware of the CCTV policy so that system	1/1/2014	Corporate governance risk and compliance officer	

	practice than it could incur legal costs							specific Codes of Practice can be put in place			
	If the Council installs and operates CCTV equipment and fails to comply with legislation and codes of practice than it could incur reputational damage.	Director of Corporate Resources	18/11/2013	3	2	6	reduce	Ensure that all directors and Service managers are aware of the CCTV policy so that system specific Codes of Practice can be put in place	1/1/2014	Corporate governance risk and compliance officer	

Explanatory notes

Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

Likelihood – how likely is it that the risk will occur on a scale of 1-6

(1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

Control - Either: Reduce / Accept / Transfer to 3rd party / Close