

CHESHIRE EAST COUNCIL

REPORT TO: Community Safety Scrutiny Committee

Date of Meeting: 30th May 2013
Report of: Head of Community Services
Subject/Title: CCTV Review - update
Portfolio Holder: Cllr Les Gilbert – Portfolio Holder for Communities and Regulatory Services

1.0 Report Summary

1.1 This report seeks to brief Members on progress with the review of the Council's CCTV Camera network.

2.0 Recommendation

2.1 Members are asked to comment on the report.

3.0 Reasons for Recommendation

3.1 To inform Scrutiny Members of the review of the Council's CCTV service, undertaken in partnership and as part of our duty under Section 17 of the Crime & Disorder Act 1998.

4.0 Wards Affected

4.1 All Wards

5.0 Local Ward Members

5.1 All Ward Members

6.0 Policy Implications including - Climate Change - Health

6.1 Feeling safe and being safe in our homes, town centres and communities are important factors affecting peoples' general health and wellbeing. The purpose of CCTV is to prevent and detect crime & disorder and as such plays a key role in tackling issues such as alcohol-related violence and anti-social behaviour.

7.0 Financial Implications

7.1 None outside existing budgetary provision for 2013/2014

8.0 Legal implications (authorised by the Borough Solicitor)

8.1 None subject to the views of Scrutiny Members

9.0 Risk Management

9.1 Key risks for the CCTV service relate to compliance with the legislative framework of Data Protection and Human Rights which could impact on the Council's reputation and the success of prosecutions in Court. In addition, the Home Office have recently consulted on a new National Code of Practice for CCTV under the Protection of Freedoms Act 2012 and the Council will need to comply with this guidance once published.

10.0 Background

10.1 The purpose of the CCTV Service as set out in the Council's Code of Practice is *'the prevention and detection of crime and disorder'*. CEBC operates 256 CCTV cameras across the Borough, the vast majority of which were installed by the former district Councils. The CCTV service plays an important part in reducing anti-social behaviour and crime and disorder in 14 town and village centres and is a vital evidential tool for the Police in detecting offences and ensuring successful prosecutions. CCTV is generally welcomed as a reassuring presence for keeping the public safe although it can be considered intrusive especially if it is perceived to be used irresponsibly or could be seen to interfere with the public's right to privacy.

10.2 The Council has provided £50,000 per annum capital funding over three years to undertake an intelligence-led review of the existing camera network. This investment is aimed at achieving a more effective network which is relevant to the needs of our centres and our customers and we are working with the local Councils, the Police Data Analyst and neighbourhood policing teams to do this.

10.3 In 2012 the Council opened the new single CCTV Control Room in Macclesfield. This project brought together the three separate legacy authority facilities, transferred the highway Urban Traffic Control cameras and introduced improved digital recording. The Control Room now operates 24/7/365 and has also taken on the Council's Out-Of-Hours Emergency Telephone saving £75,000 p.a. from the previous arrangements.

10.4 The total cost of CCTV in 2013/14 is budgeted to be £462,000.

10.5 As part of the budget setting process for 2013/14, a saving of £250,000 was agreed. A significant part of this reduction has already been achieved through a combination of a full staffing rota review, the rationalisation of the camera network and a reduction in data transmission costs. Further cost savings are expected in year from the recent 'Public Sector Network' procurement process.

- 10.6 In February 2013 the Council wrote to all Town & Parish Councils who currently benefit from the CCTV service seeking their involvement in a camera-based review of the network. In addition, we are seeking a mandate from Town & Parish Councils, through a future financial contribution from 2014, to continue to actively monitor the cameras in their area on a 24/7/365 basis.
- 10.7 Since that time a number of meetings have been held with local Councils to discuss their requirements and get their support and local knowledge in reviewing the existing network. The work involves the detailed mapping of up-to-date crime data against the existing camera coverage to justify the existence and use of each camera. This is a significant exercise but we plan to complete this by September 2013 across the Borough such that any network changes can be delivered before the end of this financial year.
- 10.8 The latest Home Office guidance introduces a philosophy of '*surveillance by consent*' and amongst other issues requires Local Authorities and the Police to:
- Show cameras are in place for a **specified purpose** in pursuit of a **legitimate aim** and necessary to meet an **identified pressing need**
 - Take into account the **effect on individuals and their privacy** with regular reviews to ensure its **use remains justified**
 - Restrict access to retained images and information – only allowing disclosure for **law enforcement purposes**
 - Show that the cameras support **public safety and law enforcement** with the aim of processing images of **evidential value**
- 10.9 Cheshire East Council's CCTV Service is already largely compliant with this latest guidance as our Code of Practice and Operational Protocols with the Police clearly set out the purpose of the system (see 10.1 above) and conform to the requirements of existing complementary legislation such as the Data Protection Act 1998, the Human Rights Act 1998 and the Regulation of Investigatory Powers Act 2000.
- 10.10 In early May 2013, the Council was inspected by the Office of the Surveillance Commissioner (OSC). His final report is still awaited but from early feedback during the inspection we are confident our existing Code and Protocols are fit for purpose. The current review of the network will help satisfy the additional requirements of the Protection of Freedoms Act 2012 by showing cameras are **needed** in the agreed locations, that their use remains **justified** and that surveillance is **appropriate and proportionate**. Crucially, in working alongside local councils during the review, we will introduce the philosophy of surveillance by consent.

10.11 At the meeting on 14th February 2013, Scrutiny Committee asked that the CCTV network be considered for use in dealing with parking offences and the issuing of Penalty Notices. There are a number of reasons the network is not currently used or planned to be used for this purpose as follows;

1. Civil Enforcement of Parking is not a criminal matter and does not fit within the scope of the agreed purpose of the scheme.
2. CCTV in other Local Authority areas is only used for moving traffic offences e.g. Bus Lane enforcement not on- and off- street parking matters. Penalty Notices cannot be issued through the post unless ANPR equipment is used.
3. Any camera equipment intended for use for civil enforcement purposes would need to be specifically approved by the Department for Transport to ensure evidential data is to the required standard for Traffic Penalty Tribunal hearings.
4. There are other more appropriate and less publicly intrusive ways of carrying out parking civil enforcement (patrolling of CEOs). CCTV can however be used to direct deployment to, for example, parking obstruction.
5. CEBC (and the former District Councils) has always sought to use CCTV responsibly and with integrity to protect public safety, managing the potential reputational issues associated with surveillance. The public should have confidence in our service and our primary use of CCTV to prevent and detect crime and disorder and we believe the recent OSC inspection will support this approach.
6. The new Home Office Code of Practice under the Protection of Freedoms Act 2012 will reinforce our existing policy position as we seek to establish 'surveillance by consent'.

10.12 CCTV can be a useful tool for tackling serious domestic and trade waste fly-tipping hotspots and the dumping of hazardous waste. These are criminal offences with the potential for significant fines and / or custodial sentences. The Council will use CCTV appropriately and proportionately to gather the necessary evidence of fly-tipping, taking full account of the impact on communities and their local environment and the costs to the taxpayer of site clearance and waste disposal.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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