

# **Newark and Sherwood District Council, Ashfield District Council and Broxtowe Borough Council CCTV Policy March 2016**

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Newark and Sherwood District Council, Broxtowe Borough Council and Ashfield District Council CCTV POLICY

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## **1. Introduction**

Newark and Sherwood District Council, Broxtowe Borough Council and Ashfield District Council (NSDC, BBC and ADC) use Closed Circuit Television (CCTV) systems in public spaces, car parks and at a number of Council owned sites across Nottinghamshire. This policy covers how the cameras within all three districts are managed from within the control room. There are currently in excess of 170 cameras across 11 towns.

The main system is monitored from a CCTV control room based securely at Kelham Hall, Kelham, the headquarters of NSDC. The recording of the system is also done from this location, as is most of the reviewing of images. However reviewing of images can also be done from BBC offices and police stations within the District of Ashfield.

This document is designed to give clear guidelines on the Councils' use of CCTV and how the systems can be accessed by partner agencies and the public, in line with the various acts of legislation and guidance.

## **2. Policy Influences**

In addition to Council policies, procedures, guidelines and Codes of Practice, CCTV and its operation are subject to legislation under:

- Government codes of practice.
- 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).
- The Protection of Freedoms Act 2012.

## **3. Policy objectives**

The objectives of this policy are as follows:

- To outline the responsibilities of those involved in the NSDC, BBC and ADC CCTV system.
- To clearly state the purposes under which the CCTV system was installed and should be used, including temporary and mobile CCTV.
- To make clear the process of how images can be obtained and used for evidence by all partner agencies and the public.

#### 4. Responsibility

**Director of Safety (NSDC)** - The CCTV service falls under the Director of Safety at NSDC. However the majority of the day to day supervision and management, both financial and organisational, is the responsibility of the Business Manager Community Safety. The Business Manager acts as the central coordinator and point of contact on all issues relating to CCTV within NSDC, BBC and ADC.

**Business Manager Community Safety (NSDC)** - The Business Manager Community Safety will be responsible for ensuring all users are kept up to date on legislation and changes in procedures. This includes meeting with the third party provider of CCTV operators to ensure they have the relevant up to date qualifications and licenses.

The Business Manager Community Safety will review the Councils' Policy and Codes of Practice documents biannually, and maintain a central database of all documents relating to the Councils' CCTV system. The Business Manager Community Safety will also instigate training and checks to ensure they are being complied with.

The Business Manager Community Safety is authorised to commit to spend within the Council's CCTV budget.

The Business Manager Community Safety or other delegated officer (See appendix B) is authorised to agree RIPA authorised surveillance.

**The Principal Officer Public Protection (BBC)** – The Principal Officer Public Protection manages the financial side of the Broxtowe cameras, including authorising maintenance and the downloading of images from the Broxtowe review suite. Further details of the management responsibilities between the three Councils are held within the Service Level Agreement for the shared service.

**Emergency Planning and CCTV Relocation Officer** - currently deputise for operational management. This may include dealing with complaints, agreeing standard reviewing of images and requests for reviews, reporting of problems and faults and general liaison between customers and the CCTV service. They are not authorised to agree RIPA surveillance, or commit to any works requiring additional expenditure.

**CCTV Operators** – The staff that monitor the cameras are employed by an external company. Staff operating CCTV systems are responsible for operating the equipment in accordance with requirements set out in current legislation, this policy document, guidelines, confidentiality certificates, Codes of Practice and local Operational Manuals. This also includes permitting downloading of images, being involved in operations run by a third party and use of radios and other telephony systems linked to the CCTV system.

They must ensure that their training is up to date and any qualifications or security checks are kept valid and in date. They are responsible for bringing any faults or misuse of the equipment to the Business Manager Community Safety or either of the deputies and also logging each fault as required through to the maintenance contractors.

**Responsible Officers Alternative Sites** - Where CCTV systems have recording facilities or equipment within other Council settings, such as at leisure centres or within waste vehicles, there is a requirement that each site has a responsible officer to ensure the security and confidentiality of the equipment. A list of these responsible people are attached at appendix A.

## **5. CCTV installation and purpose**

It is important that everyone and especially those charged with operating the CCTV systems on behalf of NSDC, BBC & ADC, understands exactly why each of the systems has been introduced and what the cameras will and will not be used for.

Each CCTV system will have its own site or task specific objectives. These will include some or all of the following:

- Protecting areas and premises used by Council staff and the public;
- Deterring and detecting crime and anti-social behaviour;
- Assisting in the identification of offenders leading to their arrest and successful prosecution or other appropriate action;
- Reducing violent or aggressive behaviour towards staff;
- Reducing fear of crime, anti-social behaviour and aggression;
- Protecting Council property and assets;
- Maintaining and enhancing the commercial viability of the directly monitored locations and encouraging continued investment;
- Assisting in staff disciplinary, grievance, formal complaints and Health and Safety investigations.

The systems will not be used for any other purpose than those set out in this document without prior consultation with the Director of Safety and where appropriate notification to staff and following consultation with the Trade Unions and also where appropriate, residents who live in the property.

Employees or those working on behalf of the Council will only be monitored if there is reasonable cause to suspect a criminal offence or serious breach of discipline, potentially amounting to gross misconduct has been, or may be, about to be committed and this will only be permitted when authorised and may require the use of a RIPA authorisation. The Business Manager – Community Safety shall consult the Director of Safety before any such action is taken.

## 6. RIPA requests

### a) Police Requests

- **NO** RIPA observations may commence until approved in writing by the Business Manager – Community Safety, or delegated officers, as detailed within appendix B of CCTV policy.
- In order to gain approval, written confirmation of the Police authorisation must be provided by the attending Police Officer, Police Covert Authority Bureau or by the Police Officer managing the surveillance. Confirmation of this approval **MUST** be sought from the Police Covert Authority Bureau to ensure it is current / valid.
- All valid operations must have written police authorisation and NSDC authorisation. Only operations with a valid police authorisation supplemented with a written authorisation from the Business Manager – Community Safety, or delegated officers, should be permitted to commence. The NSDC Officer authorising the operation will provide authorisation by email to confirm this.
- Copies of the authorisation **MUST** be kept within the control room at all times during the operation.
- CCTV operators **MUST** ensure that authorisations are inspected prior to commencement to ensure they are valid / active.

Under **NO** circumstances should CCTV Operators permit RIPA observations to commence without ensuring the above has been undertaken.

### b) Other Requests

- **ONLY** RIPA authorisations approved by the Business Manager – Community Safety may be undertaken. Written authorisation will be provided and kept within the CCTV control room whilst active. Again, CCTV Operatives on duty at the time of surveillance **MUST** ensure that this authorisation is in place and active prior to permitting observations to begin.

Under **NO** circumstances should CCTV Operators permit RIPA observations to commence without ensuring the above has been undertaken.

### c) Failure to provide approval/or adherence to terms of RIPA notice.

- Any issues, unauthorised extension/diversion of RIPA notice or refusal to adhere to the above by third parties **MUST** be notified to the Business Manager – Community Safety Immediately.

## **7. CCTV in Third Party Occupied Buildings**

A number of Council-managed CCTV systems are located in premises other than those occupied by the Councils, e.g. Bolsover Castle and Clipstone Health Centre. In these instances, it is important that there is a clear understanding between the Councils and the people in the properties concerned as to what these CCTV systems may be used for and who is responsible for each aspect of the system. SLA and monitoring protocols etc are in place to support this.

## **8. Purchase and Deployment of CCTV Cameras**

NSDC, BBC & ADC are committed to respecting people's rights to privacy and support the individual's entitlement to go about their lawful business. This is a primary consideration in the operation of any CCTV system, although there will inevitably be some loss of privacy when CCTV cameras are installed.

Therefore, it is crucial that serious consideration is given to the necessity for cameras in a given location and their impact on the privacy of individuals using the areas where cameras are to be installed.

Cameras are not to be installed in such a way that they can look into private space, such as houses, unless they can be fitted with privacy zones, which block out private areas so that they cannot be viewed or recorded.

Covert cameras are not normally to be deployed into areas used by staff or the public. Cameras should normally be clearly visible and clearly signed.

Concealed and unsigned cameras within Council property may on rare occasions be deployed in areas of high security where there is no legitimate public access and where staff access is controlled and restricted. Staff who normally work in these areas should, where appropriate, be informed of the location of these cameras, their purpose and where the monitor is kept.

NSDC, BBC & ADC will not use CCTV cameras if there are cheaper, less intrusive and more effective methods of dealing with the problem.

If after looking at all the alternatives it is decided that CCTV is the only suitable solution, a clear operational objective for the system and each camera must be identified and an assessment on the impact on privacy must be carried out. This must be agreed in conjunction with their Director and the Business Manager Community Safety, to ensure its compliance with relevant policies.

NSDC, BBC & ADC do not deploy 'Dummy' cameras as these give a false sense of security. Also, officers do not purchase cameras that can monitor conversation or be used to talk to individuals, as this is seen as an unnecessary invasion of privacy.

## **9. Re-deployable CCTV Cameras (RCCTV)**

Re-deployable CCTV cameras (RCCTV) are used by the Councils' main CCTV system and the Anti-Social Behaviour Team. They should comply with the requirements set out in this Policy Document. The RCCTV cameras will also follow the main Code of Practice but the Code of Practice will need to include additional information to cover the unique deployment tasks of this equipment, to demonstrate:

- Secure anchorage and power supply for the cameras is available and there are suitable locations for CCTV signs.
- A Privacy Impact Assessment for each deployment.
- An Operational Assessment to justify the deployment.
- A Risk Assessment of the safety of staff deploying the cameras.
- A checking mechanism to establish whether RIPA authorisation is required and if so, that the deployment is: Proportionate, Legal, Appropriate and Necessary.
- Where cameras are deployed on property accommodating or owned by third parties, that their written permission is obtained indicating that they have had the implications of the deployment explained to them if evidence is later used against suspects.

## **10. Quality of System**

All of the Councils' CCTV recording systems are digital.. Instructions for their operation have been included in the CCTV Code of Practice.

Recording equipment and recording media will be kept in a secure location and no access will be granted to unauthorised staff. This includes those systems independent of the main CCTV system. Images will be kept for 28 days, then automatically deleted unless there are reasonable grounds for images to be kept for evidential or training purposes.

All NSDC, ADC and BBC cameras and the control room, including recording systems will be subject to a maintenance contract that includes ongoing routine maintenance as well as fault rectification to ensure that the system is working at the highest standards possible at all times. This includes cleaning of lenses and checking of settings. Unavoidably, due to the technical and specialist nature of CCTV, there will occasionally be camera/recording downtime, however this will be kept to a minimum by regular maintenance. If the cameras are third party owned, any downtime will be immediately reported for their information. Maintenance of all other cameras and systems is the direct responsibility of the site owner / system owner.

When replacing or adding to the system value for money will always be considered however quality will not be compromised and the quality of the system shall be maintained to a good standard over and above the costs. This is to ensure the system complies with relevant legislation and is fit for purpose.

## **11. Third party Monitoring**

CCTV monitors sited in reception areas are intended to provide live monitoring of reception areas by Business Units. It is the responsibility of the Responsible Officer in the Business Unit concerned to ensure those observing the monitors are properly trained in their duties and responsibilities and that the ability to view the monitors is restricted to those authorised to see it.

Monitoring of other cameras where required will only be carried out by persons authorised by the Responsible Officer.

## **12. Viewing Images and the Provision of Evidence**

The provision of evidence or viewings will normally be requested either by the police, other enforcement agency or another Council Business Unit conducting an investigation into criminal activities, potential disciplinary matters, complaints, grievance or Health and Safety issues.

Enforcement agencies are not permitted to trawl the Councils' CCTV system on the off chance of detecting a crime. They are required to provide the Responsible Officer with a Crime or Incident number or other such proof that they are conducting a legitimate investigation. Where an enforcement agency legitimately requests copies of an image, one copy is to be made but there is no requirement for NSDC, BBC or ADC to retain or produce any further copies.

The Councils will not permit viewings or release images to people being investigated by an enforcement agency or in an internal investigation, which may be handed over to an external agency such as the police. The responsibility for investigating and disclosing images to those involved in the investigation is covered by the Police and Criminal Evidence Act (PACE) and the Evidence and Disclosure Act and the prosecuting authorities are required to follow the procedures set out in these acts. It should be noted that other enforcement agencies will operate under other legislation, but the use of the evidence still rests with them.

It is critical that a full and detailed record is kept of all viewings of the systems and all instances when images are issued. This information must include:

- Date, time, camera number and location of the incident.
- The name of the authorising officer,
- The date, time, name and contact details of the person viewing or removing images.
- The reason for the viewing/issue of images.
- Signatures of the person who released and received the images.

- Any media containing images should be uniquely marked and the number recorded for ease of identification.

Recorded material will not be sold or used for commercial purposes or for the provision of entertainment. Images provided to the police or other enforcement agencies or for internal investigations shall at no time be used for anything other than the purposes for which they were originally released.

Recording equipment and recording media will be kept in a secure location and no access will be granted to unauthorised staff. All images will remain the property and copyright of NSDC, BBC and ADC.

### **13. Third Party Access Requests**

Under the Data Protection Act and the Freedom of Information Act, members of the public and other organisations have the right to ask to see data held by Local Authorities and other Public Bodies. This data includes visual images captured by CCTV. Copies of images can be access by completing the Access Request for Images form. This form can also be used for organisations such as insurance companies for road traffic incidents. For each request received a fee of £10 is required. Should data be found additional charges for the supply of that data may be required.

As a general principle, access to this data should not be refused. However there are certain circumstances when it will not be possible to provide images from CCTV - for example, when the images form part of a criminal investigation, or other people may be identified, in which case the owner of the footage may edit the images to protect the identities of the other people.

### **14. Signage**

All areas where CCTV is in use should be clearly signed to comply with the Data Protection Act. This is to warn people that they are about to enter an area covered by CCTV cameras or to remind them that they are still in an area covered by CCTV. The signs will also act as an additional deterrent. CCTV signs should not be displayed in areas which do not have CCTV cameras.

Where 'Covert' cameras have been authorised for deployment, signage will not normally be erected.

Signs should be appropriate in size with all writing in clear black print and be conspicuous . The sign should carry the CCTV camera and NSDC, BBC or ADC logo. The information on the sign should explain why the CCTV cameras are there, who the Data Controller is (NSDC, BBC or ADC) and a contact number. The sign and message need to be big enough to enable people to easily read it.

## **15. Disciplinary Offences and Security**

Tampering with or misuse of cameras, monitoring or recording equipment, images or recorded data by staff may be regarded as misconduct and could lead to disciplinary action, which may result in dismissal or criminal prosecution.

Any breach of this Policy Document or the CCTV Code of Practice will be regarded as a serious matter. Staff who are in breach of these instructions will be dealt with according to the Councils' disciplinary procedures.

The responsibility for guaranteeing the security and proper use of the system will rest with the Responsible Officer of the system concerned. These officers will, in the first instance, investigate all breaches or allegations of breaches of security or misuse and will report his/her findings to their Director.

## **16. Statistics**

CCTV installation, like any other purchase by a Local Authority, involves spending public money and this needs to be justified. CCTV systems are required to show the effectiveness of the cameras in dealing with the objectives set out for them. Therefore performance data is monitored monthly through the NSDC covalent system and reports are produced to show this.

## **17. Inspections/Visits**

All CCTV systems may be subject to inspections or visits by a member of the Information Commissioner's Office or the Regulation of Investigatory Powers Commissioner. In addition, systems may also be subject to visits/inspections by Members, Directors, or the Councils' CCTV Manager. However due to highly confidential police operations that can be ongoing, visits must be pre-planned, or if they are unannounced and an event is ongoing which prevents an inspection, the Business Manager Community Safety must give permission for uninterrupted entry at another date within 5 working days.

These visits/inspections are designed purely to ensure that the systems are being run in accordance with current legislation, this policy's guidelines and their own Codes of Practice and to offer advice for improvement where required.

## **18. Health and Safety**

The Business Manager Community Safety is to ensure that staff are made aware of and comply with all Council policies on Health and Safety

## **19. Complaints**

Complaints about the operation of a CCTV system should be addressed initially to the Business Manager Community Safety, Principle Officer Public Protection or the Responsible

Officer. Complaints will be dealt with in accordance with the Councils' formal complaints procedure.

## **20. Useful Links**

**Data Protection Act, 1998** - <http://www.legislation.gov.uk/ukpga/1998/29/contents>

**Regulation of Investigatory Powers Act, 2000** -  
<http://www.legislation.gov.uk/ukpga/2000/23/contents>

**Protection of Freedoms Act, 2012** - <http://www.legislation.gov.uk/ukpga/2012/9/contents>

**'Surveillance Camera Code of Practice'** -  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/204775/Surveillance\\_Camera\\_Code\\_of\\_Practice\\_WEB.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/204775/Surveillance_Camera_Code_of_Practice_WEB.pdf)

**'In the picture: A data protection code of practice for surveillance cameras and personal information'**, ICO, May 2015 - <https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>

## **Appendix A – Alternative sites**

CCTV Location	Responsible Organisation
Ashfield Northern Depot	ADC – Transport Manager
Blidworth Leisure Centre	Active4Today – Director of Operations
Bolsover Castle	English Heritage
Clipstone Health Centre	Health Centre Manager
Dukeries Leisure Centre	Active4Today – Director of Operations
Edwinstowe Health Centre	Health Centre Manager
Grove Leisure Centre	Active4Today – Director of Operations
Newark Beacon Centre	NSDC Asset Management – System Managed by Third Party
Newark Rugby Club	Newark Rugby Club Committee
Southwell Leisure Centre	Southwell Leisure Centre Trust - Leisure Centre Manager
Vicar Water Country Park	NSDC Business Manager Parks and Amenities

## **Appendix B – RIPA Delegated Officers**

Director Safety
Emergency Planning and CCTV Relocation Officer
Safety and Risk Management Officer