

SUBJECT:	CCTV CODE OF PRACTICE UPDATE
DIRECTORATE:	COMMUNITIES & ENVIRONMENT
REPORT AUTHOR:	CAROLINE BIRD, COMMUNITY SERVICES MANAGER

1. Purpose of Report

- 1.1 To share the revised CCTV Code of Practice with the Executive, seeking its formal adoption.

2. Executive Summary

- 2.1 The Council's CCTV service operates under a Code of Practice which brings together the various legislative requirements of a public CCTV system and ensures that the service operates lawfully and appropriately, providing a robust, reliable, trustworthy service.
- 2.2 This revision takes into account operational and legislative changes since the last full review in 2014, ensuring compliance with the Surveillance Camera Commissioner's (SCC) Code and all relevant legislation. Members, residents of Lincoln and visitors to the City can therefore be assured that the service is operating appropriately, efficiently and in a manner that maximises opportunities to help detect and reduce crime, and to make Lincoln a safer place, whilst protecting the privacy of individuals.
- 2.3 At the time of drafting this report, the Data Protection and Digital Information Bill is making its way through parliament. If this bill becomes law there are implications for CCTV, including changes to the role of Surveillance Camera Commissioner. The Code of Practice will be reviewed again in light of those changes.

3. Background

- 3.1 The Council's CCTV service is bound by various legislative requirements, including the Data Protection Act, Human Rights Act, Protection of Freedoms Act and Regulation of Investigatory Powers Act.
- 3.2 In accordance with the Protection of Freedoms Act 2012, the SCC publishes a Code of Practice for CCTV (first published in 2013 and amended in 2021) which provides guidance on the appropriate and effective use of surveillance camera systems. Prior to 2013, the Information Commissioner published a Code of Practice for CCTV.
- 3.3 The City Council is required to publish its own Code of Practice for CCTV, with reference to the SCC Code and all other relevant legislation.

- 3.4 The Code was last updated in 2014. Since that time operational and legislative changes have taken place, including a major upgrade in 2017. The revised Code includes all changes that have taken place since the last edition.
- 3.5 It is important to note that at every stage, as changes have been made, the position of the SCC and all relevant legislation have been taken into account.

4. Changes to the Previous Code

- 4.1 The new edition (attached as Appendix A) takes into account legislative and operational changes since 2014. It encompasses the principles of the SCC Code and all relevant legislation.
- 4.2 Appendix B sets out the material changes since the previously adopted Code.
- 4.3 Lincolnshire Police have been consulted on the revised Code and have confirmed they are satisfied it reflects our arrangements with them, where relevant.
- 4.4 Once adopted, the Code will become a public document and will enable interested parties to be assured that the Council's CCTV system is fully compliant, and that the privacy of individuals is appropriately protected.
- 4.5 It is noted that historically the Council owns several small individual systems that were installed by departments to protect specific buildings/areas, which are not linked to the corporate CCTV system. These are therefore outside of the scope of this document. However, it should be noted that they do require their respective departmental owners to have their own Code of Practice document in place, tailored to the specific details of each scheme. Successful efforts have been made to reduce the number of these individual systems and to avoid new systems being introduced, in order to best ensure full compliance.
- 4.6 The revised Code has been considered by Policy Scrutiny Committee and this resulted in changes to wording in section 1.3 Aims of the Service (items e and g).

5. Strategic Priorities

5.1 Let's Reduce Inequality

Safer places are more accessible to more people, from different areas of the community. The presence of CCTV therefore helps improve access to our places, improving social cohesion.

5.2 Let's Drive Economic Growth

A reliable, efficient and sustainable CCTV service is an important part of a thriving city centre offer and contributes to a healthy local economy. Businesses rely on the CCTV service both directly (use of Shoplink radio / Pubwatch help catching shoplifters / helping staff feel safe) and indirectly (members of the public are more likely to visit the city if they are safe doing so).

5.3 Let's Enhance our Remarkable Place

Reduced crime, increased detection of crime, and confidence in a reliable CCTV service all help people to feel safe in our city. This enhances their experience of our city centre, parks, and council buildings where CCTV is in use.

6. **Organisational Impacts**

6.1 Finance

There are no financial implications to adopting the revised Code. The Code confirms the previously agreed decision to reduce standard data retention to 15 days which, as well as being appropriate in Data Protection terms, reduces the cost of storage servers.

6.2 Legal Implications including Procurement Rules

The Code of Practice is an important document which ensures, and evidences, that the Council operates legally in this highly legislated area. It is important to note that any changes in legal requirements have been introduced at the time, and have not waited for the adoption of the revised Code.

Adopting the Code will mean ensuring compliance with all relevant legislation and will therefore protect the Council from the risk of challenge on legal grounds, and ensure that CCTV footage can be used with confidence in legal actions by the Police and other enforcement agencies.

Colleagues representing Legal Services and Data Protection have been involved in the review.

There are no procurement implications.

6.3 Equality, Diversity and Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

The adoption of the Code ensures ongoing compliance with all relevant legislation, including Data Protection Act and Human Rights Act and therefore contributes to the protection of the Human Rights of individuals.

Adherence to the Code means that individuals are only monitored in relation to their activities, and not because of who they are or who they might appear to be.

There are no equality and diversity implications.

6.4 Human Resources

CCTV staff are required to work to the Code at all times. The principles of the Code are already embedded in the working practices of the CCTV unit, and Job Descriptions reflect this.

6.5 Significant Community Impact

The adoption of the Code underlines, supports and embeds the changes since 2014, assuring the public that their CCTV service is fully compliant and has maximum respect for personal privacy and the human rights of individuals.

Adoption of the Code ensures ongoing confidence in the system and thus enables confident use of the evidence it provides to help in detecting crime and taking action against offenders, significantly contributing towards making Lincoln a safer place for people to live, work and visit.

6.6 Corporate Health and Safety implications

There are no H&S implications.

7. Risk Implications

7.1 (i) Options Explored

The Council is required to have a clear policy for the operation of its CCTV system.

The reviewed Code reflects legislative and necessary / appropriate operational changes since the last edition.

By not adopting the new Code the Council would be at risk of challenge relating to operating to an out of date Code, and the Code would not properly reflect operational changes and legislative changes which have already been delivered in practice.

7.2 Key Risks Associated with the Preferred Approach

There are no risks associated with adopting the revised Code.

8. Recommendation

8.1 That members adopt the revised Code of Practice.

8.2 That the Code of Practice be reviewed again in response to any changes made by the Data Protection and Digital Information Bill when it becomes law.

Is this a key decision?

Yes/ No

Do the exempt information categories apply?

Yes/ No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?

Yes/ No

How many appendices does the report contain?

Two

List of Background Papers:

None

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