

Wandsworth Borough Council

**Code of Practice for the Operation of
Closed Circuit Television Systems**

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1 INTRODUCTION

- 1.1 **Purpose of this Code of Practice.** This Code of Practice regulates the operation of Wandsworth Borough Council's closed circuit television (CCTV) system and sets out the rules to be observed by the Council, Police and any other party or organisation involved in the management, operation and administration of the CCTV system.
- 1.2 **Ownership of the CCTV System.** The system is owned by Wandsworth Borough Council and managed by the Community Safety Division on behalf of the Director of Technical Services.
- 1.3 **Contributors to the Code of Practice.** This Code of Practice was prepared in consultation between the Council and the Police.
- 1.4 **Future Revision and Consultation.** This Code of Practice will be reviewed on an annual basis and will be subject to consultation where significant change is proposed.
- 1.5 **Supplementary Documentation.** The Code of Practice will be supplemented by the following documents:
 - Revised WBC CCTV Procedure Manual
 - WBC Policy documents (to be confirmed Paper No 11-493)

2 BACKGROUND

- 2.1 Wandsworth Council has a long standing commitment to developing and improving Closed Circuit Television Systems (CCTV) across the Borough. Since the inception of the public domain CCTV system in Wandsworth in 1993, CCTV investment, technology, use and public profile have increased significantly.
- 2.2 The original concept was to reassure local residents, shoppers and travellers that should a crime and disorder incident occur there were monitoring facilities that could capture and record incidents and facilitate any follow up prosecutions.
- 2.3 A 'raft' of legislation, over the subsequent years, helped regulate the use of CCTV images and made it a statutory requirement for CCTV system owners to comply with legislation covering issues such as data protection, human rights, surveillance, crime and disorder, freedom of information and traffic regulations.
- 2.4 The Council system currently consists of 1,290 CCTV cameras for the purpose of: crime and disorder, town centre and traffic enforcement (254

of which 71 are used for the dual purpose of traffic and parking enforcement); housing estate management and crime and disorder (817); above ground railway camera accessibility (196); St Georges Hospital accessibility (14) and re-deployable CCTV cameras (9).

- 2.5 Across Wandsworth, there are a number of 3rd party CCTV networks in operation such as Transport for London (TfL) on red routes, at stations and on trains, and private networks for commercial premises. This Code of Practice specifically relates to the Wandsworth Council CCTV system.
- 2.6 Wandsworth Council remain committed to utilising CCTV for public safety, tackling crime and disorder, managing anti-social behaviour and helping manage the increasing levels of traffic in the Borough.
- 2.7 Evidence obtained through the Council's CCTV increased significantly to 3,301 requests for downloads in the financial year 2010/11. This will increase further as Wandsworth Police recently established a Visual Images Identification and Detection Office (VIIDO) to maximise the potential of CCTV within crime investigations.
- 2.8 A review of the Council's use of CCTV across the Borough was undertaken and the findings and recommendations were reported to the Strategic Planning and Transportation Overview and Scrutiny Committee on 13th June 2011 (Paper No. 11-493). The review considered the general issues considering the use of CCTV cameras by WBC such as the balance between surveillance and personal privacy, cost / benefit effectiveness and reliability. Also considered was the validity of using CCTV cameras for the stated purposes such as traffic enforcement, providing security and combating illegal activity.
- 2.9 The prevalence of CCTV surveillance should not simply be accepted as inevitable or as an automatic justification for the ongoing use of CCTV by the Council. Any use of CCTV must be consistent with the Council's public safety aims and efforts to tackle crime and antisocial behaviour. Reports and press releases demonstrate that CCTV has helped the Council respond to incidents in real time and provided substantial evidence which assisted Police investigations. Provided the existing safeguards remain in place CCTV will continue to be used to the benefit of the wider community without compromising the individual's right to privacy.
- 2.10 The Government as part of the Protection of Freedoms Bill are currently consulting on the National Code of Practice relating to CCTV and to review its contents and make recommendations to either continue the use of the current format or replacing with a new code of practice. Currently CCTV operation and management guidance is contained within the Information Commissioners Office CCTV Code of Practice 2008.

- 2.11 This Code of Practice has been updated to include the Council review recommendations, to meet current and future statutory requirements as well as to demonstrate clear direction for CCTV usage in Wandsworth Borough.
- 2.12 The current CCTV system is 'multi-faceted'. There is a distinct division of roles: the crime prevention aspect and the enforcement aspect, both of which are important in reassuring the public and helping to make Wandsworth Borough safer.

3 SPECIFIC CATEGORIES OF CCTV CAMERAS IN WANDSWORTH

- 3.1 **Town Centre / Public Space cameras** - Primarily used to identify anti-social behaviour, crime and disorder and late night disorder for public safety and crime prevention purposes in the main shopping and commercial areas. It is consistent with the Council's public safety aims to continue to use these cameras for the purposes identified.
- 3.2 **Town Centre and Traffic Enforcement cameras** - These cameras are located in the Town Centres but used for the dual purposes of responding to crime and disorder as well as being used to enforce traffic and parking regulations through the issue of PCNs.
- 3.3 **Housing Estate cameras** - The cameras located on the Council's residential housing estates are predominantly used for estate management purposes and to identify anti-social behaviour and crime where incidences occur. They also provide for increased security at entrances and vulnerable locations and have a key role in deterring vandalism and misuse of public areas. The use of these cameras to provide enhanced security is appropriate.
- 3.4 **Above Ground Railway Cameras** - The Council has access to CCTV cameras at above ground rail stations in the Borough to identify anti-social behaviour and crime. They are managed and maintained by the rail companies and the Council only has access to the images via the control room at Frogmore. It is considered that this facility complements the Town Centre Camera's and enhances public safety and crime prevention capability.
- 3.5 **St George's Hospital** - The Council has access to a limited number of cameras, internally and externally, within accident and emergency and the immediate environs to identify crime and disorder issues. They are managed and maintained by St George's Hospital and the Council only has access to the images via the control room at Frogmore. This is consistent with the Council's public safety aims.

- 3.6 **Re-deployable CCTV cameras** - installed at specific locations around the Borough on a temporary basis and predominantly used to collect evidence in identified hotspots of criminal activity or anti-social behaviour.

4 CRIME PREVENTION PURPOSE STATEMENT

- 4.1 The CCTV system is established to assist in reducing crime, disorder, anti-social behaviour and the fear of crime by helping to provide a safer environment for those people who live and work in the area and for visitors travelling through the area.
- 4.2 One of the main purposes of the CCTV system is to provide the Police with assistance to detect deter and prevent crime and disorder; to help identify, apprehend and prosecute offenders; to provide the Police/Council with evidence to enable criminal and/or civil proceedings to be brought in the courts; and to maintain public order.
- 4.3 The CCTV system will be operated at all times with due regard for the privacy of individuals and in accordance with the requirements of the Human Rights Act 1998 and the Data Protection Act 1998. It will not be used to invade the privacy of any individual in residential, business or other private premises, buildings or land.
- 4.4 Any user found contravening the privacy of individuals in breach of the Code of Practice will be subject to investigation under the Council's disciplinary code of practice.
- 4.5 **Key objectives of the use of the CCTV system:**
- Deter crime and to provide public reassurance;
 - Detect, prevent or reduce the incidence of street crime against the person;
 - Improve general security in the main retail areas of the borough, both in terms of personal safety and security of buildings and premises, in order to make the town centres more attractive areas in which to shop, work and visit;
 - Increase security in a number of housing estates in the Borough, both in terms of building security and in order to provide evidence to tackle anti-social behaviour and nuisance identified in these areas.
 - Improve communication between, and the operational response of, Police or civilian patrols in the Borough of Wandsworth and assist in the policing of major civil disorder incidents.
 - Assist the Police with specific operations aimed at apprehending criminals or intelligence gathering and in the event of acts of terrorism or civil emergencies;

- Use the cameras as a deterrent and improve the detection of violations of the Environmental Protection Act and other Waste Management related matters throughout the Borough.

4.6 **Subject Access request.** Recorded material is not provided to members of the public or media organisations for profit, gain or commercial exploitation. This does not affect the right of individuals to access any personal data under the provisions of the Data Protection Act 1998 or the Freedom of Information Act 2000. This is known as a Subject Access request.

4.7 Recorded material may be supplied to media organisations for purposes which are specifically approved by the Director of Technical Services e.g. searches for missing persons and information deemed to be in the public interest.

4.8 **Requests for CCTV Material.** All requests for CCTV material will be in writing, logged and subject to a signed handover detailing the basis for the request and authorising officer. This process is subject to regular review. Application forms are available through the Council's website.

5 **TRAFFIC REGULATION ENFORCEMENT PURPOSE STATEMENT:**

5.1 The CCTV system ensures the safe and efficient operation of the road network through the detection of contraventions of traffic and parking regulations.

5.2 In order for operators to determine non-compliance with such regulations, the system enables fully trained staff to:

- Monitor traffic activity and detect violations of traffic regulations.
- Identify vehicle registration number, colour and type of vehicles contravening traffic regulations.
- Initiate the serving of Penalty Charge Notifications (PCNs) to the registered keepers of vehicles identified as contravening the regulations.
- Record evidence of each contravention to ensure that representations and appeals can be fully answered.
- Enable timed and dated pictorial evidence of such contraventions to be produced for adjudication or as information to the owner of such vehicles.
- Enable the immediate dispatch of a civil enforcement officer and tow-away truck for targeted enforcement against vehicles contravening regulations.

5.3 The CCTV system will be operated at all times with due regard for the privacy of individuals and in accordance with the requirements of the Human Rights Act 1998 and the Data Protection Act 1998. It will not be used to invade the privacy of any individual in residential, business or other private premises, buildings or land.

5.4 **Key objectives of the use of the CCTV system for traffic and parking enforcement**

The key *objectives of the use of the system for traffic and parking enforcement* and management are to:

- Use cameras as a deterrent and improve driver compliance with traffic regulations.
- Facilitate the detection and prosecution of offenders in relation to non-compliance with existing regulations.
- Assist the Police in traffic management, for instance identifying and responding to traffic trouble spots.
- Assist with achieving the key objectives of other town centre schemes operated by Wandsworth Council. (e.g. roadworks, footway/pavement enhancements, street furniture etc)

6 MANAGEMENT OF THE COUNCIL CCTV SYSTEM

6.1 The CCTV system at the Frogmore Complex is utilised daily by local Police and a range of Council departments. This usage is controlled by a number of key procedures including:-

6.2 Security access to viewing equipment - A number of 'satellite' viewing systems exists outside of the secure Frogmore CCTV room, namely:-

- For tackling and responding to crime and disorder issues Police can access any of the CCTV cameras from within their local and regional operational control rooms with priority access should a serious incident occur.
- The 24/7 Wandsworth Council Emergency Control provides additional CCTV operator coverage for responses to housing management issues and traffic incidents i.e. road closures.
- Traffic Enforcement is monitored from within Wandsworth Town Hall and Technical Services Director's Office.
- Housing Management issues are monitored by the Deputy Director of Housing Contract Services, the Head of Housing Strategy and Development, the Graffiti Section, the Installation Engineers Office and the four Area Housing Managers' offices.
- The Parks Police Control Centre in Battersea Park has access for crime, disorder and community safety issues.

- The Emergency Planning Team can remotely access the system should an incident occur.
 - The Head of Operational Services office in the Frogmore Complex can remotely access the system for monitoring highways maintenance and enforcement and Council property and to assist in emergency response services.
 - St George's Hospital can access the Council's cameras situated on the perimeter of their estate for public safety issues.
- 6.3 Each of these “satellite” viewing facilities has secure viewing procedures and must comply with the Council's CCTV procedures and protocols. The facility exists to monitor and review viewing activity through regular audits. None of the remote sites has recording or download facility which is restricted to the main control room.
- 6.4 Only authorised personnel, suitably ‘vetted’ to an appropriate level (Enhanced Criminal Record Bureau checked), will be allowed to operate the CCTV system.
- 6.5 Access to the CCTV control room is restricted. Only authorised persons with specific requirements are allowed access. All access is recorded using a visitors log and by appointment.
- 6.6 **Fault management** - A rolling weekly check covers all CCTV cameras. Faults are prioritised for repair within the terms of the CCTV maintenance contract.
- 6.7 **Retail Radio** - The Council operates a Retail radio Scheme across the Borough for shops and public houses. This system is managed from within the control room where operators have immediate access to the Police via a radio link.
- 6.8 **31 day recording retention** – All recordings are stored within the Control Room at the Frogmore complex for a minimum of 31 days on digital storage hard drives.
- 6.9 **Procedures and protocol documentation** – A CCTV procedure manual, which is a supplement to this document is under continuous review and updated to ensure tight control and compliance with legislation, including the Data Protection Act 1998 and the Data Protection Principles.
- 6.10 **CCTV Policy Documents** – These are attached as Appendix B & C.
- 6.11 **Installing new cameras** - Any proposal for the permanent installation of new CCTV cameras will require Executive approval both to approve the proposal and to be added to the capital scheme, following the required

public consultation and agreement by the relevant lead Cabinet Member. A business case will be submitted which will include the evidence to support the need for the camera, a full cost analysis for the capital cost of installation and the ongoing revenue costs, budget impact and the perceived benefits. Appropriate consultation with local residents and relevant ward councillors must be undertaken in accordance with the Policy.

- 6.12 **Re-deployable cameras** - The deployment of temporary deployable cameras must be approved by the Director and/or the relevant Assistant Director, with clearly stated objectives and reason for deployment namely, temporary replacement for a faulty high priority camera; as part of Police or related Security operation; in response to unidentified crime and disorder issues; in response to identified antisocial behaviour; investigating blue badge fraud; to deal with fly tipping; for public safety and large events; and to investigate perceived road safety issues including banned traffic movements.
- 6.13 All other proposals for the deployment of temporary CCTV cameras not specifically covered by the agreed objectives will be subject to agreement under the Standing Order No. 83(A) procedure, following consultation with the relevant lead Cabinet Member.
- 6.14 Re-deployable cameras will not be used to issue traffic enforcement Penalty Charge Notices (with the exception of using the mobile CCTV vehicle) unless authorised under the provisions of the Standing Order No. 83(A) procedure, following consultation with the relevant lead Cabinet Member.
- 6.15 **Installation of a temporary camera** – In all cases the relevant Lead Member and ward councillors will be notified of the deployment of a temporary camera and the reason for that deployment and of the removal of that camera.
- 6.16 **Public information** – All areas covered by the permanent camera network will have appropriate signage. The signage will identify Wandsworth Council as the operator and give contact details of the Council should any queries arise.
- 6.17 **Requests for Information** - Any request from an individual for the disclosure of personal data which he/she believes is recorded by virtue of the system will be directed to the Community Safety Division Control Room staff. The principles of Sections 7 and 8 of the Data Protection Act 1998 (Rights of Data Subjects and Others) shall be followed in respect of every request. Exceptions can be made subject to Section 29 of the Act

(prevention or detection of crime). It should be noted that each and every application will be assessed on its own merits.

6.18 **Preventing misuse of the system** – The purpose of the CCTV system is to provide overt surveillance of public areas, including housing estates. Wherever possible the cameras will be sited to view just public areas and not overlook private dwellings or other areas where privacy is expected. It will not always be possible to achieve this as certain cameras have the capability of viewing private/unwanted locations e.g. through the zoom facility. Wherever possible, privacy zones will be placed on the cameras to reduce the intrusion into private space. Consideration must always be given to Article 8 of the Human Rights Act 1998 (right to respect for private and family life). There shall be no interference by a public authority with the exercise of this right except as such in accordance with the law. (see 6.13)

6.19 **Directed Surveillance** – Directed surveillance is defined in Section 26(2) of the Regulation of Investigatory Powers Act 2000 as surveillance which is covert, but not intrusive, and undertaken:

- for the purpose of a specific investigation or specific operation;
- in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purpose of the investigation or operation); and
- otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under Part II of the 2000 Act to be sought for the carrying out of the surveillance.

6.20 **Authorisation of Directed Surveillance (Regulatory of Investigatory Powers Act 2000 RIPA)** – Applications to carry out directed surveillance can only be made by the senior authorising officer of those public authorities listed in or added to Section 32(6) of the 2000 Act. Within the Police such authority sits with designated Superintendents. The Director of Finance is the designated officer to oversee the Council's use of its surveillance powers under the act and to ensure designated authorising officers meet RIPA standards. Within the specific purpose of preventing or detecting crime or preventing disorder the Council uses RIPA for the following types of investigations:

- parking permit fraud;
- crimes under Environmental Health and Trading Standards legislation;
- fly tipping;

- unauthorised occupancy of Council housing; and
 - fraud and corruption.
- 6.21 Appropriate documentation must accompany authorisations with explicit details of purpose, location, duration and the name of the responsible officer in line with the Regulation of Investigatory Powers Act 2000. Camera operators will not deploy CCTV for directed surveillance without the existence of such authorisation confirmed by the Officer in charge of the Control Room.
- 6.22 **Media** - Recorded material is not provided to members of the public or media organisations for profit, gain or commercial exploitation. This does not prejudice the right of individuals to access any personal data under the provisions of the Data Protection Act 1998 nor the Freedom of Information Act 2002.
- 6.23 **Audit** – Regular checks on the operation of the CCTV system will be undertaken by the Head of Community Safety and will include examination of control records; data histories and their contents and will be undertaken on a sufficiently regular frequency to ensure safeguarding of the system. In addition the systems in operation will be subject to the Council’s formal external audit process on a programmed basis to provide an independent audit process.
- 6.24 **Scrutiny and Overview** – The Community Safety Division will produce an annual report on the Council's CCTV system and operations to formally report on the effectiveness of all new installations; detail the use and effectiveness of CCTV deployable cameras; provide a breakdown of camera types eg Housing, Town Centre surveillance and dual use with traffic enforcement; the effectiveness of the cameras both in terms of operation, cost and benefit; and whether it is appropriate or possible to remove camera’s to rationalise the network.
- 6.25 The Director of Technical Services will prepare regular reports on the top 10 hotspots for issuing traffic enforcement Penalty Charge Notices to the Strategic Planning and Transportation Overview and Scrutiny Committee on an annual basis (with reports on a quarterly basis to the relevant Cabinet Member), indicating whether appropriate signage is present at the identified locations alerting motorists to the presence of CCTV cameras, and where this is not the case, reporting the feasibility of improving signage or other actions to ensure members of the public are properly informed.
- 6.26 The Housing Overview and Scrutiny Committee will receive reports on the operation of housing estate cameras to formally report on the effectiveness of all new installations; detail the use and effectiveness of

CCTV deployable cameras; the effectiveness of the cameras both in terms of operation, cost and benefit; and whether it is appropriate or possible to remove camera's to rationalise the network.

6.27 **Accountability** – The Frogmore CCTV system is owned by Wandsworth Council and managed on a day-to-day basis by the Community Safety Division (CSD) of the Environmental Services and Community Safety Division of the Technical Services Department. The 'satellite' access sites are regulated by CSD.

6.28 **Confidentiality** – All staff engaged in the management and operation of the CCTV system are to observe strict confidentiality in respect of all information gained or observed. This shall prohibit the disclosure of any such information to any third party (accept as may be required by law), within the written consent of the Director Technical Services.

6.29 **Complaints** – Wandsworth Council is committed to operating the CCTV system in an open and fair manner. Any complaints will be investigated thoroughly and promptly according to the Council's Suggestions and Complaints guide on the Council's website. All complaints will be reported as part of the annual report to the relevant committee.

6.30 **Related documents:**

- Crime & Disorder Act 1998 (CDA)
- Freedom of Information Act 2000 (FOIA)
- Human Rights Act 1998 (HRA)
- Data Protection Act 1998 (DPA)
- Regulation of Investigatory Powers Act 2000 (RIPA)

6.31 More information can be found on the Council's website www.wandsworth.gov.uk.