

DECISION ITEM



REPORT OF		MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	ENVIRONMENT, HEALTH AND HOUSING COMMITTEE		1 NOVEMBER 2016	5
PROVISION OF CCTV – ESTABLISHMENT OF A WORKING GROUP				

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

This report seeks the approval of members to undertake a review of the use of rapid deployment CCTV cameras in the Fylde and in particular to identify what needs to be done to manage the replacement of cameras.

It is suggested that this review be undertaken by a Working Group set up with representation from the Environment, Health & Housing.

RECOMMENDATIONS

1. That Committee notes the report and acknowledges the need for a review of the use and replacement of rapid deployment cameras and endorses the production of a report with recommendations for their future replacement and use.
2. That Committee appoints members to a CCTV Working Group to visit the CCTV suite at Wyre Council and work with officers on the production of the above report.
3. That the report and recommendations of the Working Group, be reported back to Committee upon conclusion for due consideration.

SUMMARY OF PREVIOUS DECISIONS

Following a report to the Community Focus Scrutiny Committee 22nd January 2015 resolved to recommend to Cabinet

1. To note the current position with regard to the management and monitoring of the Rapid Deployment and the fixed CCTV cameras in Fylde Borough.
2. To approve the option of adding the three Lytham Town centre cameras to the existing monitored system (as outlined in the report) to be delivered through the Wyre BC and Fylde BC CCTV monitoring partnership, funded from the approved Capital programme at an estimated cost of £11,185

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3. To approve a fully funded budget increase of £2,151 to the CCTV replacement scheme within the approved Capital programme and that this increase be met for the additional LSP final balance.
4. As a consequence of the high risk to the existing downloading facility (outlined in paragraph 7 of the report) no further maintenance or renewal works be undertaken to other existing rapid deployment cameras, (as listed in Appendix 1 of the report) and they be decommissioned where such works are required.

5. To approve the continuation of the existing maintenance work for the existing CCTV vans, where such works are a Fylde BC responsibility, whilst

Cabinet subsequently resolved to approve the recommendations made by the Community Focus Scrutiny Committee subject to:

- Replace recommendation 1(4) on the Future of CCTV in Fylde with “To seek a further report to cabinet on the implications on the capital budget provision of the proposed conversion of the Lytham cameras, to the monitored system delivered through Wyre council, with a view to this funding being set aside in an earmarked reserve for CCTV. The long term use of this to be considered further in 2017 when the police are able to give the council a commitment to monitoring the cameras post 2017, or otherwise. In the meantime if any of the current camera locations fail, they can be considered on a case by case basis, based on a proven need being demonstrated through an impact assessment”

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	√
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	√
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	√
Promoting Fylde as a great destination to visit (A Great Place to Visit)	

REPORT

1. When considering the provision of CCTV, the council must have regard to the Surveillance Camera Code of Practice issued by the Surveillance Camera Commissioner... *“when, in exercising any of its functions, it considers that the future deployment or continued deployment of surveillance camera systems to observe public places may be appropriate.”* This would include the decisions to establish the working group, and any deliberations of the working group. The council does not have to follow the code, but, if it does not do so, it would need to be prepared to justify any departure from it.
2. The code asks fundamental questions about the need and justification for surveillance cameras, even where cameras are currently deployed. Those questions must be addressed before a decision to retain, replace or introduce additional cameras could be made.
3. The code refers to article 8 of the European Convention on Human Rights (the right to respect for private and family life) and continues:

“The decision to use any surveillance camera technology must, therefore, be consistent with a legitimate aim and a pressing need. Such a legitimate aim and pressing need must be articulated clearly and documented as the stated purpose for any deployment.”
4. It then sets out twelve guiding principles that system operators should adopt. The first two principles are particularly relevant to the question of whether surveillance should be deployed at all. The first is:

“Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.”
5. The code goes on to explain this further:

“Surveillance camera systems operating in public places must always have a clearly defined purpose or purposes in pursuit of a legitimate aim and necessary to address a pressing need (or needs). Such a legitimate aim and pressing need might include national security, public safety, the economic well-being of the country, the prevention of disorder or crime, the protection of health or morals, or the protection of the rights and freedoms of others That purpose (or purposes) should be capable of translation into clearly articulated objectives against which the ongoing requirement for operation or use of the systems and any images or other information obtained can be assessed.”

6. The second principle is:

“The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.”

7. The code says that this *“points to the need for a privacy impact assessment process to be undertaken whenever the development or review of a surveillance camera system is being considered to ensure that the purpose of the system is and remains justifiable, there is consultation with those most likely to be affected, and the impact on their privacy is assessed and any appropriate safeguards can be put in place”*.
8. The council would not be complying with the code if it reviewed its use of surveillance cameras without identifying the legitimate aim that the system would pursue and the pressing need that it would address. Any identified aim and need must be translated into clearly articulated objectives and the requirement for the system must be assessed against those objectives. Any decision on a review would need to be informed by a privacy impact assessment.
9. The purpose of this report is to lay out the current situation concerning the Fylde Council CCTV provision across the Borough and both financial and logistic issues which will affect the future provision.
10. This matter was last brought to the Council in early 2015 when information was provided and a decision reached by the former Community Focus Scrutiny Committee.
11. Fylde Council have a network of cameras located throughout the town centres of St Annes, Lytham and Kirkham which are monitored throughout the daytime and into the late evenings by managed volunteers based at Wyre Civic Centre. There are 15 of this type of camera and they are permanently fixed. The Council are committed to a further 3 years on a contractual agreement with Wyre.
12. A second network of ‘Rapid Deployment’ cameras are currently located at 11 sites across the Borough. These cameras have the ability to be re-located to any one of 30 CCTV Columns which are wired to enable a camera to be connected. All the cameras and locations are currently being evaluated by the Police as to their purpose and usage in regard to crime and anti-social behaviour detection. They are all several years old with the exception of two cameras which are located in Hope Street Park, St Annes and Bridges playing Fields, Warton; which were funded independently but maintained by the Council.
13. The ‘Rapid Deployment’ cameras are backed up by the two mobile CCTV Vans, operated by the Police. The vans carry a CCTV camera on board and they work in conjunction with the ‘Rapid Deployment’ cameras. The vans are maintained by the police and the CCTV equipment is maintained by Fylde Council via the Revenue budget.

14. Compliance with CCTV Regulation requires regular reviews of CCTV cameras operating in public space areas to comply with a set of compliance rules and to justify the use of cameras.
15. In Fylde, it has been agreed that our justification is based on the need to prevent and detect crime and anti-social behaviour and to provide public reassurance and safety.
16. An evaluation of all cameras operating has to be undertaken and a weekly report is received by Wyre CCTV management which provides details of when the cameras have been used to monitor activity which has or has provided recorded evidence of a crime or raised a suspicion.
17. Effectively, there is full justification for the 'Monitored' cameras in Fylde.
18. However, the 'Rapid Deployment' cameras present a different scenario in that the amount of usage in terms of crime and anti-social behaviour detection is minimal and the evaluation of the actual benefits of these cameras is questionable.
19. It is virtually impossible to measure the effect of 'prevention' work and public reassurance is provided by public opinion and anecdotal evidence. Notwithstanding that cameras located in several parks in Fylde provide a high degree of the feeling of public safety, it has proven difficult to analyse accurately.
20. Several of the Rapid Deployment cameras are operating on CCTV Columns which were purchased many years ago. The columns do not provide the stability needed to enable the cameras to operate and to be effective require replacing.
21. In terms of the 'Rapid Deployment Cameras' there are potentially a number of options to consider in taking CCTV in Fylde forward. Furthermore, a future review will be needed when the Capital budget has been fully spent and it is recommended that a Working Group is established to consider future CCTV provision through rapid deployment cameras.

IMPLICATIONS	
Finance	This report proposes the establishment of a working group to review the issue of CCTV camera replacement. There are no financial implications arising directly from this report.
Legal	No implications arising directly from the report.
Community Safety	As highlighted within the report.
Human Rights and Equalities	No implications arising directly from the report.
Sustainability and Environmental Impact	No implications arising directly from the report.
Health & Safety and Risk Management	No implications arising directly from the report.

LEAD AUTHOR	TEL	DATE	DOC ID
Chris Hambly	01253 658422	20 th October 2016	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection