

CCTV Task and Finish Group Report (NWDC)

Terms of Reference:

- 1 To review and comment on the processes by which CCTV is financed and installed in public places in North Wiltshire;
- 2 To review and comment on the role which a local council should play in those processes including:
 - The distribution of costs between the District and Parish Councils
 - Funding
 - Ownership and management; and
- 3 To aim to conclude the review within 3 months of the first meeting and report its findings and recommendations to the Overview and Scrutiny Committee for endorsement.

1 To review and comment on the processes by which CCTV is financed and installed in public places in North Wiltshire.

To comment on the processes it might help to include a thumb nail sketch of the current arrangements within North Wilts.

NWDC has no direct involvement in running CCTV. Fixed and Mobile systems are run by the Town and Parish Councils or by Private Organisations such as Shopping Centres and Leisure Centres. NWDC has only assisted with grants for procurement of systems

The Partnership Anti Social Behaviour Reduction Officer for North Wilts, Ian Whiteway, confirmed that NWDC does not have any system of their own. However, he did say that a mobile unit would help to reduce the level of crime and anti-social behaviour.

A recent example was the 'break in' to the ticket meters at the Bath Road car park which cost the council £8,000. However, the unit's budget would have to be increased as the current budget of £13,000 for The Partnership Anti Social Behaviour Reduction Unit would not cover the cost of a mobile CCTV system.

Town and Parish Councils have received capital grants from their Area Committees and Wootton Bassett has successfully bid for Home Office funding. They are also in receipt of direct and indirect funding from the police.

As afore mentioned, NWDC do not fund the running costs of CCTV systems; however, some other Councils do. Salisbury, for example, spends over £1,000,000 per annum and our Town Councils will not be happy if Unitary picks up Salisbury's tab without picking up theirs as well. This would add a huge amount to Unitary costs.

CCTV Coverage in North Wiltshire

The three main schemes in North Wiltshire are run by Calne, Chippenham and Wootton Bassett Town Councils. Between them, they control 32 fixed and two mobile cameras. To

this can be added the private schemes which include 11 cameras in Borough Parade Chippenham, six cameras in Emery Gate, and four in the Martingate Centre in Corsham plus one mobile unit.

The three main schemes use the same protocols but are managed differently. In each case, the Town Council, acting through the Town Clerk, is the 'owner' of the system. The copyright and ownership of all material recorded by virtue of the system also remains in the ownership of the Town Council.

Chippenham has an agreement with SWS who man the scheme in exchange for use of facilities and both Calne and Wootton Bassett employ a part-time supervisor along with volunteers to man the systems.

The schemes are not manned continually but the cameras run 24 hours per day, storing data for between 14 and 31 days before it is overwritten.

Protocols

The Codes of Practice and Protocols for using the systems are the same for each scheme as they are based on the CCTV User Group Model Code of Practice and Home Office Guidelines which are available at www.ico.gov.uk.

The objectives of the Systems are as follows:

- To help reduce the fear of crime;
- To help deter crime;
- To help detect crime and provide evidential material for court proceedings;
- To assist in the overall management of the Town Centres;
- To enhance community safety, assist in developing the economic well-being of the area and encourage greater use of the facilities in the town;
- To assist the local Police Constabulary in its enforcement and regulatory functions within the town;
- To assist in traffic management;
- To assist in supporting civil proceedings that helps to detect crime;
- To assist other emergency services; and
- To identify bylaw contraventions.

To ensure the systems are not abused there are strict rules on access to the information:

- All operators are police checked;
- Access to the control rooms is strictly monitored; and
- No data is released without authorisation and audit trail.

Primary requests to view data generated by a CCTV System are likely to be made by third parties for any one or more of the following purposes:

- Providing evidence in criminal proceedings (e.g. Police and Criminal Evidence Act 1984, Criminal Procedures 7 Investigations Act 1996, etc.);
- Providing evidence in civil proceedings or tribunals;
- The prevention of crime;
- The investigation and detection of crime (may include identification of offenders); and
- Identification of witnesses.

Third parties, which are required to show adequate grounds for disclosure of data within the above criteria, may include, but are not limited to:

- Police¹;
- Statutory authorities with powers to prosecute, for example, Customs and Excise, trading standards, etc.;
- Solicitors²;
- Plaintiffs in civil proceedings³;
- Accused persons or defendants in criminal proceedings³; and
- Other agencies, according to purpose and legal status⁴.

Upon receipt from a third party of a bona fide request for the release of data, the data controller shall:

- Not unduly obstruct a third party investigation to verify the existence of relevant data; and
- Ensure the retention of data which may be relevant to a request, but which may be pending application for, or the issue of, a court order or subpoena. A time limit shall be imposed on such retention, which will be notified at the time of the request.

In circumstances outlined at footnote 3 below, (requests by plaintiffs, accused persons or defendants) the data controller⁵, or nominated representative, shall:

- Be satisfied that there is no connection with any existing data held by the police in connection with the same investigation; and
- Treat all such enquiries with strict confidentiality.

¹ The release of data to the police is not restricted to the civil police but could include, (for example) British Transport Police, Ministry of Defence Police, Military Police, etc (It may be appropriate to put in place special arrangements in response to local requirements).

² Aside from criminal investigations, data may be of evidential value in respect of civil proceedings or tribunals. In such cases a solicitor, or authorised representative of the tribunal, is required to give relevant information in writing prior to a search being granted. In the event of a search resulting in a requirement being made for the release of data, such release will only be facilitated on the instructions of a court order or subpoena. A charge may be made for this service to cover costs incurred. In all circumstances data will only be released for lawful and proper purposes.

³ There may be occasions when an enquiry by a plaintiff, an accused person, a defendant or a defence solicitor falls outside the terms of disclosure or subject access legislation. An example could be the investigation of an alibi. Such an enquiry may not form part of a prosecution. Defence enquiries could also arise in a case where there appeared to be no recorded evidence in a prosecution investigation.

⁴ The data controller shall decide which (if any) 'other agencies' might be permitted access to data. Having identified those 'other agencies', such access to data will only be permitted in compliance with this standard.

⁵ The data controller can refuse an individual request to view if insufficient or inaccurate information is provided. A search request should specify reasonable accuracy (could be specified to the nearest ½ hour).

2 To review and comment on the role which a local council should play in those processes including:

The distribution of costs between the District and Parish Councils

Funding

Ownership and management

The imminent demise of NWDC makes these issues a decision for the new Authority. The fundamentally different approaches to funding the running costs by, for example, Salisbury, where it is wholly paid for by the Council and NWDC where CCTV is paid for by Towns and Parishes, must be addressed as a matter of urgency.

The current funding, ownership and management have been outlined in section one above.

3 To aim to conclude the review within 3 months of the first meeting and report its findings and recommendations to the Overview and Scrutiny Committee for endorsement.

This report was presented to the Overview and Scrutiny Committee at north Wiltshire District Council on 11 September 2008 by **Martin Singlehurst, Councillor**.