

VIDEO SURVEILLANCE SYSTEM POLICY

Head of Service:	Rod Brown, Head of Housing & Community
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 - Draft VSS Policy

Summary

A policy to govern the use of video surveillance systems (VSS) and to note the work to bring the Council into compliance with the Biometric and Surveillance Commissioners Code of Practice.

Recommendation (s)

The Committee is asked to:

- (1) Agree that the Video Surveillance System Policy be recommended for adoption at Full Council**

1 Reason for Recommendation

- 1.1 To ensure that the Council has a robust Video Surveillance Systems (VSS) policy which is compliant with the Surveillance Camera Code of Practice issued by the Biometrics and Surveillance Camera Commissioner under s. 31 of the Protection of Freedoms Act 2012. This policy relates only to VSS operated by Epsom & Ewell Borough Council .
- 1.2 To ensure that investigating and enforcement officers can access surveillance and monitoring tools in a legally compliant manner.

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2 Background

- 2.1 VSS takes the meaning contained within s. 29(6) of the Protection of Freedoms Act 2012 and includes conventional closed circuit television (CCTV), Automatic Number Plate Recognition (ANPR), body worn cameras, vehicle installed cameras, mobile or re-deployable cameras, Unmanned Aerial Vehicles (UAV) (otherwise known as drones) and any connected Artificial Intelligence (AI) capability.
- 2.2 The Council utilises VSS in a variety of circumstances and locations such as urban public space monitoring, protection of buildings, on vehicles, in parks and body worn cameras where imagery is recorded for evidential purposes. In total there are around 200 cameras in the Council's ownership.
- 2.3 During the successful Epsom Safer Streets project, it was identified that the Council should update its compliance framework and review the necessary governance around VSS. The project had scoped this into the safer streets initiative and a consultant was employed to address the deficiencies in respect of the safer streets town centre cameras and also provide advice to completion of an equivalent exercise for the Council's remaining camera schemes.
- 2.4 The Council does not have an overall VSS Policy and to maintain good governance and compliance this report recommends the adoption of such a policy.

Following adoption of the policy, the Council will

- update the Data Protection Impact Assessments
- modify or create operational codes of practice and
- document operational requirements for each scheme.

Consideration of resourcing is made under section 4 of this report.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

3.1.1 No specific equality implications have been identified. However fully compliant VSS arrangements will assist to promote the strengthening of equalities by detecting crime.

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3.2.1 There is a clear link between the adoption of this policy and a positive contribution to address crime and disorder ensuring that evidence is gathered lawfully.

3.3 Safeguarding

3.3.1 There is likely to be a positive contribution in the responsible and complaint use of VSS and promotion of safeguarding.

Dependencies

3.4 Whilst adoption of the policy is non dependent, the work to update the various scheme documentation depends on an external resource being identified which fits within budget. Officers will work within the budgetary resource identified to commission this work.

4 Financial Implications

4.1 There is no spare internal capacity available to carry out the assessments outlined in 2.5. It is therefore anticipated that this work be outsourced to consultants with an expected cost of £5,000. This can be from within the existing CCTV budget as a consequence of some of the short term costs of the new Epsom CCTV cameras being met by the safer streets grant.

4.2 **Section 151 Officer's comments:** Financial implications are set-out in the body of the report.

5 Legal Implications

5.1 It is essential that the Council has a clear and robust policy to ensure the admissibility of CCTV evidence and compliance with UK GDPR and the Data Protection Act 2018. Should the Council not adopt a compliant policy there is a risk of complaint to the Information Commissioners Office and inadmissibility of CCTV evidence.

5.2 The Human Rights Act 1998 is relevant when considering the implications of this policy, specifically,

- Article 8 – Right to respect for private and family life
- Article 9 – Right to freedom of thought, conscience and religion
- Article 10 – Freedom of expression
- Article 11 – Freedom of assembly and association
- Article 14 – Prohibition of discrimination

Compliance with the Equality Act 2010 would normally secure adequate protection against discrimination and allow the Council to demonstrate compliance with Article 14.

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Surveillance can only be carried out where the impact on an individual's human rights is balanced by a legitimate aim. Such a legitimate aim might be public safety, prevention of crime and the protection of other people's rights. It is the governance and adherence to the relevant codes of practice which allows the Council to demonstrate adequate regard to these qualified rights as laid down in the Human Rights Act.

- 5.3 **Legal Officer's comments:** The Legal considerations are addressed in paragraph 5.1 and 5.2 of this report. The Council should adopt a VSS Policy to ensure compliance with legislation and the lawful gathering of evidence.

6 Policies, Plans & Partnerships:

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged: Safe and Well.
- 6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** None identified
- 6.4 **Sustainability Policy & Community Safety Implications:** There is a clear benefit from appropriate surveillance where it is carried out in a legally acceptable and complainant manner compatible with the public's expectation of privacy.
- 6.5 **Partnerships:** None for the purposes of this report. The matter is entirely related to the governance arrangements at Epsom & Ewell Borough Council.

7 Background papers

- 7.1 None