

---

NON-EXEMPT

# HAVANT BOROUGH COUNCIL

CABINET

15th March 2023

## Adoption of Closed Circuit Television (CCTV) Policy and approval of equipment spend

FOR DECISION

Portfolio Holder:

Key Decision: Yes

Report Number: *HBC/123/2023*

---

### 1. Purpose

- 1.1. Havant Borough Council (the Council) has in place Closed-Circuit Television (CCTV) and other surveillance systems. This policy details the purpose, use, and management of the systems, and details the procedures to be followed in order to ensure that the Council complies with relevant legislation and Codes of Practice where necessary.
- 1.2. This paper is submitted to Cabinet for adoption of the CCTV Policy.

### 2. Recommendation

- 2.1. Cabinet are asked to:
  - a. approve the Council CCTV policy; and
  - b. request that officers review the policy on an annual basis.
  - c. approve the expenditure of £25,400 UKSPF funding on Waterlooville CCTV

### 3. Executive Summary

- 3.1. The Council ceased the funding and therefore effectively the use of public space CCTV in 2016. Subsequent scrutiny of the budgetary decision asked that the subject be revisited through the regeneration process and as and when there was an identified need to tackle crime and anti-social behaviour.

- 3.2. Business communities in Waterlooville and Havant Town Centre have reported increasing level of retail crime and targeted anti-social behaviour linked to professional shoplifters and groups of youths. Therefore, the use of CCTV has been revisited and identified as an appropriate vehicle to be included in the suite of activity being undertaken to address this behaviour.
- 3.3. Predominantly the Council will use CCTV for the purposes of reducing and detecting crime and anti-social behaviour as well as ensuring the health and safety of the public and its staff.
- 3.4. The policy has been prepared to take account of:
  - a. Surveillance Camera Code of Practice and associated guidance from the Information Commissioner.
  - b. CCTV Code of Practice issued by the Information Commissioners Office (ICO)
  - c. The following documents issued by the Home Office in October 2016.
    - Technical guidance for body worn video devices
    - Safeguarding body worn video data
  - d. Requirements for processing personal data as set out in the UK General Data Protection Regulation (UKGDPR) and Data Protection Act 2018
  - e. Right to privacy as set out in Article 8 of the Human Rights Act 1998
  - f. Regulation of Investigatory Powers Act 2000 (RIPA) and
  - g. Crime and Disorder Act 1998
- 3.5. The Human Rights Act 1998 requires the Council, and organisations working on its behalf, pursuant to Article 8 of the European Convention, to respect the private and family life of a citizen, his home and his correspondence. The European Convention did not, however, make this an absolute right, but a qualified right. Accordingly, in certain circumstances, the Council may interfere in the citizen's right mentioned above, if such interference is;
  - a. in accordance with the law
  - b. necessary; and
  - c. proportionate.
- 3.6. The Council will seek to minimise the use of CCTV and will use less intrusive methods of obtaining the required outcome wherever possible.
- 3.7. Each proposed deployment will be preceded by a Data Protection Impact Assessment.

#### **4. Additional Budgetary Implications**

- 4.1. There will be an initial capital cost in the region of £25,400 to purchase four redeployable CCTV cameras which it is proposed will be met from United Kingdom Shared Prosperity Fund (UKSPF) and the Business Case for this expenditure is attached at Appendix B for Members' consideration and approval

#### **5. Background and relationship to Corporate Strategy, Climate & Environment Strategy and/or Business Plans**

- 5.1. The 2022-2026 Corporate Strategy outlined a political imperative to:
- a. Design and implement a new preventative enforcement approach focusing on triage to improve the quality of place across the borough and address long standing issues and where necessary consider CCTV installation to improve safety.
  - b. To work closely with partners to drive improvements in our areas relating to communities, safety and place; and
  - c. To look to enable and deliver safety initiatives and preventative mechanisms so our communities feel safe.

#### **6. Options considered**

- 6.1. It is a requirement to have a CCTV policy in place if the Council proceeds with increasing the CCTV coverage in the borough.
- 6.2. Police research of reported incidents in Waterlooville Town Centre has identified in excess of one hundred incidents in the area over the past six months including 48 public order matters, 22 incidents of shoplifting, 12 incidents of theft person, 4 incidents of criminal damage including 1 of arson. The police have faced evidential difficulties experienced due to the lack of direct evidence of those responsible and have requested CCTV coverage of the area.
- 6.3. The area has been designated a partnership priority area and discussed at monthly multiagency meetings to raise awareness and to enable agencies to focus their resources towards solving the problems faced. Property owners have reinforced the access points to premises.
- 6.4. Police have taken measures to disperse the groups responsible for the anti-social behaviour through additional uniform enforcement patrols including the use of CCTV drones and exclusion notices.

- 6.5. The Council have commissioned youth outreach services to engage with groups on several nights per week. To date some 200 individuals have been spoken to regarding their behaviour and the risks involved.

It is therefore viewed at present that a CCTV policy would give the Council options to further enhance preventative measures to tackle anti-social and criminal behaviour in our town centres. The alternative is to carry on as present which is unlikely to see significant changes in behaviour.

## 7. Resource Implications

### Section 151 Officer comments

Date: 10<sup>th</sup> March 2023

The Council received grant funding in December from the UK Shared Prosperity Fund, and this was included within the Capital programme approved at Full Council in February 2023 as part of the Budget. This will be used to fund the initial capital expenditure up to £25,000. The remaining £400 will be met from Cash limited resources.

The initial investment will also meet the first two years maintenance for this equipment. There is no existing cash limited budget for this maintenance going forward so an alternative source of funding will need to be sought following this initial period.

- 7.1. *Financial Implications* – funding can be found from existing budgets and external funding for the capital investment.
- 7.2. *Human Resources Implications* - In re-setting the 2022/23 revenue budget, relevant allocations were made across all service areas to ensure that staffing budget provision matched with proposed and approved organisational structures.
- 7.3. *Information Governance Implications* - the policy document contains clear guidance on how authorisation records and surveillance products will be managed with clear timeframes and identified responsible owners. Each proposed deployment will be preceded by a Data Protection Impact Assessment.
- 7.4. *Other resource implications* – none

## **8. Legal Implications**

- 8.1. The Council must follow the requirements for processing personal data as set out in the UK General Data Protection Regulation (UKGDPR) and Regulation of Investigatory Powers Act 2000 (RIPA) and Crime and Disorder Act 1998 The Data Protection Act 2018, and an individual's right to privacy as set out in Article 8 of the Human Rights Act 1998.

### **Monitoring Officer comments**

Date: 9<sup>th</sup> March 2023

The Council needs to ensure that it has robust mechanisms in place in order to appropriately coordinate CCTV activity in the Borough, using available resources.

CCTV is an area that is specifically referenced in the Budget and Policy Framework recently adopted by Council and adoption of a tailored policy will be within the competence of Cabinet.

Adopting a CCTV Policy will provide that CCTV will be operated fairly, within the law and only for the purposes for which it was established.

## **9. Risks**

- 9.1. The use of CCTV surveillance is recognised as having a high risk in relation to an individual's human rights. As such each proposed deployment will be the subject to a full data protection impact assessment (DPIA) which will ensure that risks are identified, and mitigation measures put in place.

## **10. Climate & Environment Implications**

- 10.1. None.

## **11. Consultation**

- 11.1. The draft policy has been shared with the Data Protection Officer, Governance Manager, Digital Manager and Senior Information Risk Owner. In addition, the draft policy has been shared with relevant Cabinet leads.

## **12. Communication**

12.1. The CCTV policy will be placed on our website.

12.2 The deployment of each CCTV camera will be covered by signage either attached to the column or as near to the camera as is practicable indicating where the camera is and including contact details for the Council

**13. Appendices**

Appendix A – CCTV Policy

Appendix B – Business Case

**14. Background papers**

None

Agreed and signed off by:

Portfolio Holder: Cllr Robinson 10/03/2023

Executive Head: Claire Hughes 10/03/2023

Monitoring Officer: Mark Watkins, Chief Legal Officer 09/03/2023

Deputy Section 151 Officer: Wayne Layton, Chief Finance Officer 09/03/2023