

Response to 'Consultation on a Code of Practice relating to Surveillance Cameras', March – May 2011

Introduction and Context

1. Stockton-on-Tees Borough Council has made significant investment in CCTV systems over the last 17 years, since our Security Centre was opened by Baroness Blatch in 1994. As well as fixed public open space cameras we also monitor Council and private site applications (e.g. Council depots), systems in schools and systems for private clients (e.g. industrial estate associations). We own and deploy a number of demountable cameras and we operate both vehicle mounted systems (used by our Neighbourhood Enforcement Service or NES) and 'body cams' (NES and Civil Enforcement Officers for parking issues). We also use CCTV for bus lane enforcement and at selected bus shelters.
2. For several years we have monitored the number of arrests which have been facilitated by our CCTV systems. The total has usually been in the 400 – 500 range. For the last two years, figures are as follows:-

	Total arrests in Stockton-on-Tees	Arrests facilitated by Council CCTV	As % of total arrests
2009/10	8,035	398	5.0%
2010/11	7,801	460	5.9%

During 2010/11 we carried out 932 'tape reviews' and found material of evidential value in 586 of these cases.

3. Over the last seven years the crime rate across the Borough of Stockton-on-Tees has been reduced by 49%, significantly outperforming the national and regional averages. We are convinced that judicious use of CCTV has been a significant factor in this success. In addition to detecting crime its presence helps to deter crime and Anti Social Behaviour, and also supports proper conduct and professionalism by all those involved in enforcing the law, including a range of casual staff and police colleagues, and enhances accountability.

Ministerial Foreword

4. We do not understand the reference to technology, in the context of CCTV, 'leading in some instances to a potential exposure to criminality' – this has never been the case in relation to any of our systems or for other Local Authority CCTV systems, so far as we are aware.
5. There are also references to 'an invasion of personal privacy' and to 'state intrusion into people's lawful business': again, we do not recognise these as issues of concern locally. In the last five years we have received only one complaint about our use of CCTV, which has been addressed by the Investigatory Powers Tribunal. In the last 17 years we are aware of three instances of misuse of CCTV by employees, two involving voyeurism and one involving unauthorised release of images of fights, apparently for purpose of home entertainment. All of these cases have led to dismissals of staff, and none has been brought to our attention by members of the public (we were made aware of one by police colleagues and the other two were picked up by our own management systems).

6. The general climate of public opinion is overwhelmingly in support of CCTV. When we are lobbied by residents it is for more CCTV, not less, and the criticism we receive is to the effect that we do not direct sufficient resources to monitoring systems (notwithstanding the arrest figures quoted at paragraph 2 above, and the crime reduction performance cited at paragraph 3 above).
7. The Foreword also states “We do not intend therefore, that anything in our proposals should hamper the ability of the law enforcement agencies or any other organisation, to use such technology as necessary to prevent or detect crime, or otherwise help to ensure the safety and security of individuals”. Nevertheless, we are concerned that this may be the unintentional consequence of some of the Government’s proposals, and we are concerned by recent press coverage (Daily Telegraph, 25 April 2011) suggesting that Andrew Rennison has stated that the cost of the proposed Code of Practice may be prohibitive.

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Section 3.2 – Challenges

- (a) This section of the text identifies a number of challenges in relation to image quality, retrieval and retention. These problems do not arise in respect of Stockton Council’s systems. Our public open space systems are designed to PSDB standards, we have the cameras inspected on a quarterly basis on a preventative maintenance basis, and we provide images to Cleveland Police in their preferred format. We recognise that some of the issues apply to private sector systems. We operate to the industry standard 31 day retention period.
- (b) Over the last five years we have received a number of complaints from residents about the use of CCTV by their neighbours to overlook their property and the only advice we have been able to give is that this is a civil matter on which they should seek assistance from their CAB and/or solicitor.
- (c) The proposed idea of a Code of Practice for public-sector systems therefore appears to be a case of addressing a supposed solution to exactly the wrong aspect of this problem.

4. Government’s Approach to Regulatory Framework

- 4.1 We welcome the commitment that any code will be “drawn up in full consultation with interested parties”. However, the current consultation paper is totally inadequate for us to arrive at an informed judgement. In particular, we propose that any draft Code of Practice should be subject to a full Regulatory Impact Assessment, in order to assess its likely costs to the taxpayer.
- 4.2 In particular, the text states “initially only local authorities and police forces will have a statutory duty to have regard to the Code”. This seems to us highly inappropriate. As stated above, most of the problems are with private sector and privately owned systems. Public sector systems are already highly regulated, e.g. by RIPA, and local authorities, in particular, are subject to local democratic accountability, our own complaints processes, the Local Government Ombudsman etc. In this context there is no justification for singling out public sector systems for the imposition of additional bureaucracy and potential costs (see point 7 under Ministerial foreword) which will ultimately be borne by local and/or national taxpayers, or lead to a reduction in service received, in direct contradiction of the Government’s stated aim (also stated at point 7 above), and of its Localism agenda.

Code of Practice

5.2 Contents

i. Pre-planning

The proposed checklist of consideration also needs to include cost/affordability. It may well be the case for some purposes that there are alternative means of achieving the same outcomes (e.g. security guards on site) but that these are much more costly than a well-designed CCTV system.

ii. Standards

We would recommend reference to the standards produced by the former Home Office Police Scientific Development Branch (PSDB) in respect of image quality. We welcome the commitment that “The Government has no intention of requiring that all users upgrade their systems”.

iii. Data Protection

The text states “There is no intention for the new Code, or the role of the new Surveillance Crime Commissioner, to cut across the existing role of the Information Commissioner. There will, however, be a strong overlap of areas of interest and it is intended, and essential, that the respective Commissioners will work closely together”. Why invent a new quango? Why not simply extend the remit of the Information Commissioner, thereby eliminating the scope for disagreements and demarcation disputes, and avoiding a proliferation of quangos, in line with Government policy?

Q. Would it be helpful to combine the existing Information Commissioner’s CCTV code into a new single CCTV code, or maintain a distinction between data protection issues and other tactical CCTV operational issues through separate codes?

A. A single code is strongly preferred, as this will force those involved in preparing it to think through the relationship between the two sets of issues, rather than leaving it for practitioners to resolve.

iv. Provision of information

We would advise against any indiscriminate requirement to publish all camera locations, having had one demountable camera attacked and destroyed by individuals engaged in nefarious activity.

5.3 Implementation

Q. Are there any specific aspects of the proposed case that should be made mandatory for all organisations?

A. Any new requirements placed on public sector systems should be applied equally to private sector systems. Public sector systems are already more heavily regulated, including by the Security Industry Authority, and no case has been made for making the relative position even more inequitable. We contend that there is no evidence base for such an approach.

6. Further developments

Q. Is there a need to regulate the use of CCTV and similar systems by private individuals? What issues should be covered?

In the cases concerning which we have received complaints, the concern of the complainant has been about invasion of their privacy. It has always been contended by the owner of the systems that they have deployed them to protect their own property and that they are not engaged in spying on their neighbours. A requirement could be made for all new private systems to incorporate ‘privacy screens’ which blank out the images beyond the property of the owners, and that all existing systems should be

upgraded to this standard, when any neighbours property owner so requests, within a reasonable timescale (say two years).

Annex A Existing Primary Legislation

Crime & Disorder Act 1998

The Annex refers to the strategic duty under sections 5 – 7 of this Act. The Government should also bear in mind the specific duties laid on public bodies by Section 17 of the Act.