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Draft

Dear Sir/Madam

### **Protection of Freedoms Act 2012 – Statutory Consultation over the Surveillance Camera Code of Practice**

This is the response submitted on behalf of the Safer Stockton Partnership. We are the statutory community safety partnership for the Borough of Stockton-on-Tees, and we are interested in both CCTV and in ANPR. We have chosen to respond to the consultation in narrative form, as the best way of setting out our concerns and comments, rather than answering all of the menu-driven standard questions.

Most of the public open space CCTV systems in our Borough are operated by Stockton-on-Tees Borough Council, working in partnership with Cleveland Police. We do not support the implementation of the proposed Code of Practice in its current form and we do not think that it will help to protect the right to respect for private and family life, and we consider that it is likely to have unintended consequences.

Paragraph 1.5 “The purpose of the Code will be to ensure that individuals and wider communities have confidence that surveillance cameras are deployed to protect and support them, rather than spy on them.”

This is muddled thinking couched in pejorative language. It is often necessary in order to protect and support the decent law-abiding majority, to monitor closely the activities of the criminal few, and is inappropriate to describe this as ‘spying’. Is there any body of evidence to suggest significant improper use of CCTV by relevant authorities?

Principle 1 “The 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.”

It is unclear what the adjective ‘pressing’ adds to the meaning of this principle – it should be clarified or, preferably, removed.

The supporting text gives examples as follows; “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 rights and freedoms of others.”

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Examples of purposes for which we have used our CCTV systems include

## 1. LICENSING ISSUES

- (a) Alcohol licensing - we have used CCTV evidence in support of consideration of incidents which may give rise to sanctions against licensees.
  - (b) Taxi Licensing – in common with many other parts of the country, there is fierce competition within the taxi trade locally, particularly between hackney carriages and private hire vehicles, and the Council is often asked to take enforcement action against competitors. The most cost effective way of establishing the relevant facts is often to consult CCTV recordings.
2. ALLEGATIONS OF MISCONDUCT AGAINST COUNCIL EMPLOYEES –we often receive such allegations in connection with the actions of employees with enforcement powers, usually from individuals who have been sanctioned and who seem to believe that their best route to avoid having to pay a penalty is to make a complaint against the officer who issues the penalty. CCTV recordings, both from fixed cameras and from ‘body cams’, can be invaluable in resolving the issues, and there is some evidence to suggest that bodycams in particular have a deterrence effect, in relation to both vexatious complaints and other forms of abuse of public servants.
3. PARKING ISSUES – parking is another contested area and again it is sometimes cost-effective to use CCTV.
4. MISSING PERSONS – although less common than the issues outlined above, we have from time to time been asked to use CCTV (both recording and live monitoring) in support of efforts to locate children missing from home or vulnerable adults.

Our CCTV network has been established over the last 20 years by the investment of public funding, some of it from the Home Office, and the net running costs are covered by Stockton Council. Members of the public have a legitimate expectation that the taxes which they have paid are used to best effect, and they will not readily understand or accept why the kinds of application outlined above should be curtailed or prevented.

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We also disagree with the proposal that the Code of Practice should be applied only to public bodies. If these principles are necessary and proportionate for any CCTV systems covering open space, then they are necessary and proportionate for all CCTV systems covering public open space. Public bodies are already more heavily regulated than other organisations through legislation such as Freedom of Information, and local authorities, in particular, are subject to direct democratic accountability and to the oversight of the Local Government Ombudsman, and the case has not been made to add to this extra burden of regulation.

Finally, we think that the proposed Code of Practice is based on an inaccurate assessment of the climate of public opinion. It is now many years since we have received any objections to the installation or presence of CCTV cameras on civil liberties grounds and, on the contrary, we often receive requests for the installation of cameras from members of the public.

We trust that these comments will be helpful in further consideration of the draft.

Yours faithfully

Geoff Lee  
Chair