



Report of the Director of Environments and Neighbourhoods

South Leeds (Outer) Area Committee

Date: Monday 7th July 2008

Subject: CCTV

Electoral Wards Affected:
Ardsley and Robin Hood
Morley North
Morley South
Rothwell

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Council Function

Delegated Executive Function available for Call In

Delegated Executive Function not available for Call In Details set out in the report

Executive Summary

To provide the Outer South Area Committee with information about the use of CCTV and its effectiveness. The Committee are asked to note the contents of the report and to act on its recommendations.

1.0 Purpose Of This Report

1.1 This report responds to a request for further information about the operation of CCTV schemes from Members of the Outer South Area Committee. At the February and April meetings, Members asked for information from LeedsWatch and West Yorkshire Police relating to the effectiveness and impact of CCTV schemes including how evidence is used to tackle crime. In presenting this information, it has also become necessary to present Members with information relating to the appropriate use of CCTV schemes including monitoring arrangements and legal requirements.

2.0 Background Information

2.1 LeedsWatch is the Public CCTV system installed by Leeds City Council in the City Centre and District Centres covering many of the main shopping streets, surface car parks and the City Centre waterfront. Locations have been drawn up in consultation with the Police and businesses. CCTV signs are located at entry points to the area of coverage and at all camera locations. The system is the property of Leeds City Council. Authorised management is by authorised Officers from Leeds Community Safety. Leeds City Council is legally responsible for the system.

- 2.2 The Outer South Area Committee has funded two CCTV projects. In July 2005, the Committee approved £18,010 of Wellbeing Capital funding to Gildersome Action Group for Gildersome Meeting Hall CCTV system. In February 2008, the Committee approved £5,378 Wellbeing Capital funding to Parks and Countryside/Churwell Action Group for installation of CCTV on Churwell Park. Neither of these schemes are operated by LeedsWatch.
- 2.3 A scheme has been established by Drighlington Parish Council that is not connected with the Area Committee. The group that runs the scheme has approached the Outer South Area Committee to request funding to extend the scheme although no firm proposal has been made at this stage.
- 2.4 There is a further CCTV scheme at the parade of shops on Wood Lane. It is unclear at this stage what responsibility/connection there is between the scheme and the Outer South Area Committee.
- 2.5 A report from LeedsWatch will be going to Corporate Leadership Team in the near future. It will recommend that a corporate strategic lead should be identified to develop a commissioning process who will advise on the development of CCTV schemes in line with the citywide protocols. It is therefore timely that the Outer South Area Committee has asked to review its current arrangements at this time.

3.0 Main Issues

3.1 Using CCTV as evidence

- 3.1.1 LeedsWatch provide CCTV evidence for a number of agencies (e.g. Police, ASBU, Enforcement, Customs and Excise, Third Party Solicitors). There are legal arrangements that govern the way in which information is recorded, retrieved and produced as evidence. If a master tape is required for evidential purposes, the authorised Officer from Leeds City Council, must place the tape in a tape box, seal it and provide a reference/witness reference on the seal and sign and date the seal. This will be done in the presence of the representative requiring the master tape for evidential purposes. This representative will also be required to sign the seal at the same time. Prior to a master tape being sealed, copy tapes may be made of the relevant material (for ASBU, solicitors etc).
- 3.1.2 In order to comply with the Data Protection Act 1998, there are only limited circumstances where the Council (or other licensed persons operating CCTV systems) are entitled to disclose "personal data" which is recorded by the systems. Disclosure in this sense would include permitting the viewing of screens in the Control Rooms, permitting the viewing or removing of tapes or photographs, or giving West Yorkshire Police or other individuals or organisations information about recorded personal data
- 3.1.3 LeedsWatch has been operational since 1996 and over 30,000 video tapes have been supplied to Police and other Agencies. LeedsWatch CCTV Operators are responsible for capturing incidents leading to approximately 3,000 arrests per year.

3.2 The effectiveness of CCTV schemes

- 3.2.1 It is difficult to measure the deterrent impact of CCTV. However, where CCTV surveys have taken place such as at Halton Moor, figures showed an overall 48% reduction in crime. It is important to stress that in areas such as Halton Moor, CCTV formed part of an overall crime prevention strategy. This also included working with a range of agencies to tackle the issues in a range of different ways. A recent installation of four cameras in the Manor Farms in Middleton showed a reduction of 65% in reported crimes in the first two months of operation. Both of these schemes were in areas where there had been a comprehensive approach taken to address high levels of crime, nuisance and anti-social behaviour.
- 3.2.2 In 2002, NACRO carried out a review of research into the effectiveness of CCTV systems in reducing crime. This research has shown that the extent to which CCTV can act as an effective crime prevention deterrent, is very much dependent upon the context in which it is applied. It warns against over-investment into very hi-tech CCTV systems at the expense of more effective measures such as better street lighting.
- 3.2.3 The NACRO report identifies the high profile cases of the abduction and murder of James Bulger and the arrest of Brixton nail bomber David Copeland, which has given CCTV an almost common sense appeal. The report argues that whilst CCTV schemes in car parks can be effective in reducing crime, cameras in town centres have little impact on serious or violent crime. Evidence has also shown that, without the constant publicity of CCTV schemes, they can quickly lose their effectiveness. Indeed the biggest falls in crime linked to CCTV installations has been shown to occur before cameras are actually operational, coinciding with the period when publicity of the scheme is at its greatest.
- 3.2.4 CCTV schemes can be either monitored or unmonitored. Monitored schemes (such as LeedsWatch) are able to respond immediately to incidents. Operators can track or follow individuals who are at risk of becoming victims of crime or who have been witnessed committing offences. The links with the West Yorkshire Police control room mean that their resources can be more effectively deployed. Unmonitored systems do not have this capability. Recorded information can only be searched after an event thus limiting its use in detecting crime. All systems need to ensure that images are captured and stored in ways that ensure the information is admissible as evidence. Failure to do this means that the images cannot be used and are of limited value.
- 3.2.5 In some cases “dummy” cameras have been suggested as a cheaper way of achieving the deterrent effect of a monitored system. “Dummy” cameras are cameras that aren’t connected to any kind of monitoring system. They are cheap to buy, relatively easy to install, have no running costs and there are no obligations in terms of safeguarding how images are monitored. They imply a level of surveillance that does not exist so may have some deterrent effect. The significant disadvantage is that they have no capacity to record images that could be used for crime detection or as evidence. The second disadvantage is that there are potential litigation issues that arise out of this. For example an individual could argue that they perceived a place to be safe because of the presence of the camera. If this individual comes to harm in the place where the camera is sited, they could take legal action against the body

responsible for the camera on the grounds that the level of surveillance was not as it appeared to be. This risk could also apply to unmonitored CCTV systems unless clear signage is used to make people aware that the cameras are not monitored. Leeds City Council along with other Public Authorities do not support the installation of Dummy cameras.

3.3 Compliance with legislation

- 3.3.1 Those involved in operating a CCTV scheme are required to comply with the applicable legislation. This is predominantly the Data Protection Act 1998 and the Human Rights Act 1998 but consideration should be given to the Regulation of Investigatory Powers Act 2000 and the law of confidentiality.
- 3.3.2 Before using CCTV, it is advisable to carry out an assessment of the scheme's impact on people's privacy in order to determine whether CCTV is justified in all the circumstances. Less intrusive methods which are likely to achieve the same objectives should be used where at all possible.
- 3.3.3 Where CCTV is to be used, the basic legal requirement is to comply with the Data Protection Act. Under the Act, schemes are required to have a Data Controller. The Data Controller is the person who (either alone or jointly in common with other persons) determines the purposes for which and the manner in which any personal data are to be processed. In these situations it is important to establish who has responsibility for control of the images. For example in deciding what is to be recorded, how the images should be used and to whom they should be disclosed. The body who makes these decision will be the "data controller" and therefore responsible for compliance with the Data Protection Act. It is important that where more than one organisation is involved, each knows its responsibilities and obligations. The Data Controller is also responsible for notifying the Information Commissioners Office who are responsible for regulating and enforcing the access to and use of personal information.
- 3.3.4 The data processor is the person or persons who are involved in monitoring/viewing images captured on CCTV cameras. Where the data processor and data controller are separate bodies, there will need to be a written contract in place which clearly defines their responsibilities. This is to ensure that the images are only processed in accordance with the Data Protection Act. The contract should also include guarantees about security /storage of images and the use of Security Industry Authority (SIA) trained staff.

3.4 Regulation of CCTV schemes

- 3.4.1 Any group involved in operating a CCTV scheme is strongly advised to operate to a strict code of Practice. This helps to ensure, compliance with the required legislation. Schemes are also required to ensure operators are trained and licensed by the SIA.
- 3.4.2 All LeedsWatch CCTV operators attend a 4 day training course and must be SIA trained which provides them with a license for Public Space CCTV monitoring. When operators attend the SIA training course they receive a further security check (CRB) before any license can be granted. These safeguards protect the public from

inappropriate use of CCTV systems. They also protect the operators from allegations of improper use of the cameras.

- 3.4.3 CCTV Operators at LeedsWatch have a spot monitor (this is the monitor an operator uses to control cameras) which are linked and provide pictures to the Police Area Control room and Local Police Stations, Police officers can see at all times what the CCTV operator is looking at. This allows for an immediate response and provides a safeguard to prevent the cameras being used in inappropriate ways or ways that invade individuals privacy. There are 6 x full time Police Liaison Officers who search video tapes on behalf of other Police officers. They can search any tape / any time so acts as a random check on the images captured on the system. Since 1996 there has never been an incident involving inappropriate use of CCTV on the LeedsWatch system.

4.0 Implications For Council Policy and Governance

- 4.1 Outer South Area Committee have commissioned two CCTV projects in Outer South (with a further third project being proposed). Although not directly responsible for the day to day operation of the scheme, the Committee has a responsibility to ensure that funded schemes comply with legal requirements.
- 4.2 The most recent scheme (Churwell Park) has had funding approved although is not yet operational. The scheme in Gildersome was granted funding in July 2005 and is already operational. The Area Committee is advised that both schemes should be required to demonstrate their compliance with the applicable legislation. Both schemes are further asked to ensure that their operators are SIA trained and licensed. In the case of the Churwell Park scheme, the Committee is advised that the funding cannot be released until these obligations are met.
- 4.3 The Drighlington Parish Council scheme is in the process of making an application to the Area Committee for funding. The Committee is advised that the proposal is put on hold until clarity is obtained about the status of the current scheme and the Committees responsibility in granting funding to such a project.
- 4.4 Future CCTV schemes that are presented to the Area Committee for wellbeing funding should also be required to demonstrate their compliance with the applicable legislation. Operators should also be required to ensure operators are trained by and licensed with the SIA.

5.0 Legal and Resource Implications

- 5.1 The potential risk of non-compliance with the applicable legislation is that a claim could be brought against Leeds City Council. Such a claim could be for non-compliance with the obligations set out in the Data Protection Act or an individual could potentially bring a claim against the Council for breach of his privacy rights. Criminal proceedings for non-compliance with the Data Protection Act can be brought against both the Council as a whole and also against individuals.
- 5.2 This risk to the Council is best minimised by either LeedsWatch assuming responsibility for the operation of such CCTV schemes or by the Committee ensuring

that funding is only provided on the condition that there are policies and / or codes of practice in place which detail the extent to which all those involved in a scheme are responsible for compliance with the applicable legislation.

6.0 Conclusions

- 6.1 Well managed CCTV schemes that form part of a wider crime prevention strategy have a role to play in reducing crime and protecting communities. In order to ensure that they are used appropriately CCTV projects must ensure they are adhering to the relevant codes of conduct and legal requirements. It is uncertain whether the schemes that have been funded by the Area Committee are in a position to comply with this legislation. The Committee has a responsibility to ensure that funded schemes are compliant therefore more investigation is needed to clarify and if necessary remedy the current situation of existing schemes. It would be inadvisable to progress any further schemes until the current situation is resolved.

7.0 Recommendations

- 7.1 Members are asked to note the information in this report and agree to:
- receiving a report on Area Committee supported CCTV schemes demonstrating their compliance to required legislation.
 - agree that all current and future CCTV schemes supported by the Area Committee have demonstrated compliance with relevant legislation as outlined in this report.