

**Manchester City Council
Report for Resolution**

Report to: Communities and Equalities Scrutiny Committee – 6 December 2022
Executive – 14 December 2022

Subject: Public Open Spaces CCTV

Report of: Strategic Director (Neighbourhoods)

Summary

This report details the policy and procedure developed following the review of Public Open Space CCTV. It details how we will ensure that the significant investment in CCTV is targeted effectively in the city whilst ensuring compliance with the Information Commissioners Office Code of Practice for surveillance cameras.

Recommendations

The Committee is recommended to:-

Endorse the recommendation to the Executive

The Executive is recommended to:-

Approve the Policy and Procedure for legitimacy and effectiveness of CCTV in the city.

Wards Affected: All

Environmental Impact Assessment - the impact of the issues addressed in this report on achieving the zero-carbon target for the city

None

Equality, Diversity and Inclusion - the impact of the issues addressed in this report in meeting our Public Sector Equality Duty and broader equality commitments
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By introducing a consistent criteria and regular review of the installation of CCTV in the city this will ensure that communities are not disproportionately impacted, or underserved by CCTV. Cameras will be sited in line with guidance to ensure that it is for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
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Manchester Strategy outcomes	Summary of how this report aligns to the OMS/Contribution to the Strategy
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	
A highly skilled city: world class and home grown talent sustaining the city's economic success	
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	
A liveable and low carbon city: a destination of choice to live, visit, work	The proportionate and appropriate use of CCTV in the city will contribute to the safety of the city to make it a destination of choice to live, visit and work.
A connected city: world class infrastructure and connectivity to drive growth	

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Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

Community Safety Strategy 2022-25

CCTV Code of Practice

1.0 Purpose of the Report

- 1.1 This report details the policy for the targeted placement of CCTV cameras across the city to ensure they are used effectively and in line with government guidance. The policy supports the CCTV Code of Practice which was agreed at the Council's Executive on 17th November 2021.

2.0 Background

- 2.1 The Council's CCTV Code of Practice reflects the Home Office Surveillance Camera Code of Practice and updated ICO Data Protection Code of Practice for surveillance cameras and personal information. It references the Home Office's Surveillance Camera Code of Practice, prepared in accordance with section 29 of the Protection of Freedoms Act 2012 and lists the guiding principles contained within it (See Appendix One).
- 2.2 The first principle for a CCTV camera being at a particular location is that it must be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
- 2.3 Historically CCTV cameras were installed in the city for different reasons, including investment in an area through regeneration, or in response to crime or anti-social behaviour in an area. This means that there are significant disparities of coverage across the city that do not correspond to a pressing need. CCTV cameras have broadly been maintained within each ward and so these disparities have remained over the last decade resulting in areas maintaining a greater number of cameras on the basis of historic investment.
- 2.4 In Moss Side, GMP invested in a significant number of cameras to deal with crime issues that were prevalent over 10 years ago. These cameras were owned by GMP but monitored through the MCC CCTV system. Following the upgrade to the CCTV platform in 2018 these cameras were no longer compatible and GMP did not replace them. This decision was taken after consideration and, taking into account, that GMP own no other cameras across Greater Manchester. This has left a gap in coverage in some areas that are identified as having a pressing need.
- 2.5 To ensure the Council was complying with the requirements of the codes of practice, and to address the discrepancies in the CCTV coverage of the city, the CCTV Board has proposed a review of Public Space CCTV Cameras in their current locations.
- 2.6 It should be noted that MCC CCTV is not the totality of surveillance in our neighbourhoods. CCTV is used by individuals and businesses, and this will also be used by police to detect crime, safeguard individuals and carry out investigations.
- 2.7 Consideration has also been given to the fact that CCTV, whilst a well-known response to crime, is not always the best or most effective tool for responding

to crime and anti-social behaviour in an area. Our CCTV is overt and therefore individuals can easily prevent identification from CCTV footage.

3.0 Investment in CCTV

3.1 Significant investment has been made to upgrade the CCTV system in the city in recent years including the upgrade to the platform in 2018 and this year will see £618k investment in upgrading 169 cameras that are over 7 years old.

3.2 Additional funds have also been secured to expand the number of flytipping cameras that can be deployed across the city to address areas that are subjected to sustained flytipping.

3.3 It is key that this investment is used to ensure that CCTV is being deployed to address a pressing need and to address the crime that impacts people who live, work and visit Manchester.

4.0 CCTV Board

4.1 A CCTV Board has been established to review and oversee the additional investment in CCTV and to identify the proposed policy to implement the effective use of these resources.

4.2 The CCTV Board includes representation from MCC, Neighbourhoods, Community Safety, Capital Programmes and Highways, Compliance, Democratic Legal Services, Events, Public Realm, Greater Manchester Police and Cityco.

4.3 The Board has agreed an approach to include:

- Identification of the effectiveness of the CCTV cameras that are operating on the CCTV platform,
- A process for the ongoing review of the effectiveness of individual cameras,
- The ability to respond to pressing need for cameras in response to emerging problems
- Assurance of compliance with appropriate guidance.

4.4 An initial review of effectiveness of all cameras will take place on approval for the policy so new replacement cameras are fitted in compliance with the guidance.

5.0 Policy and Procedure for CCTV legitimacy and effectiveness

5.1 The following criteria will be used to determine the legitimacy and effectiveness of a CCTV camera in a location:

- Average crime density (GMP Data)
- Average harm density (GMP Data)

- Number of times used in a 12-month period* (CCTV Control Room data)
- Number of hours/minutes used for in a 12-month period* (CCTV Control Room data)
- Number of occasions on which footage was released to GMP in a 12-month period

5.2 The priority crimes that may be influenced using CCTV are identified as follows:

- assaults (violence with injury),
- robbery,
- rape,
- drug dealing,
- affray (and violent disorder)
- possession of weapons

5.3 For each criterion, scores are identified to take account of locations that scored the same, and scores are given an order score. The order score for each criterion at each current camera location is added together to create a list of camera locations in order of effectiveness.

5.4 There will be regular opportunities to review whether the CCTV cameras are legitimate and addressing the areas with the greatest need, in accordance with the defined criteria. Requests that relate to the types of crimes that GMP have advised are best influenced by CCTV as set out in section 5.2 of the report will be considered on a quarterly basis by the CCTV Board.

5.5 CCTV moves within wards that are supported by the local partnership will be facilitated locally.

5.6 New requests for CCTV made by residents, councillors, police, council officers or others will be considered by the local partnership, who will agree whether it meets a pressing need and is the most appropriate intervention to address the concerns raised. If there is not a camera that can be repositioned from within the ward, this will be put to the Board for consideration for a priority move.

5.7 The Board will consider the request from the Neighbourhood, alongside information on crime and harm data, usage and control time of existing cameras, as well as factors such as proximity to other cameras and identification of an appropriate location for the camera. This will ensure a consistent approach to prioritising CCTV coverage across the city.

5.8 Local councillors will be able to feed into the proposals for new locations and will be informed of any proposals that impact on cameras within their ward.

5.9 Where additional CCTV is not supported the local partnership will be asked to consider other appropriate interventions that may tackle the issue for example

engagement with local community, environmental improvements, activity to target individuals.

6.0 Additional Cameras

- 6.1 Whilst there are no additional cameras recommended in this note, it was considered helpful to set out the associated costs to ensure members have access to all relevant information.
- 6.2 A new CCTV Camera costs £2,892 (if at least 5 ordered), the connection to the Council's CCTV Wireless network costs £6k, and therefore the capital cost of one camera is £8,892, the transmission and maintenance costs are then £981 per camera per year.
- 6.3 Resources in the CCTV control room would also need to be considered if additional cameras were installed.

7.0 Legal Advice

- 7.1 Article 8 of the European Convention on Human Rights ('ECHR') concerns the right to family and private life. The right contained in Article 8 is known as a qualified right which means that there may be circumstances in which some interference with it is justifiable. This right means that an individual has the right to the level of personal privacy which is compatible with a democratic society, taking into account the equivalent rights and freedoms of others. Any interference with this right by the Council will be subject to a test of necessity. The Council is permitted to interfere with an individual's Article 8 right to privacy if the interference has an obvious legal justification. This could, for example, be because the interference is necessary for the prevention and detection of crime. In addition to having a legal justification, the amount of interference with the right must be proportionate to the end result achieved and only go as far as is required to achieve that result. In summary the Council's use of overt CCTV in a public place must be in pursuit of a legitimate aim, necessary to meet a pressing need, and proportionate.
- 7.2 The Council also needs to ensure that the use of CCTV and the location it operates in actually achieve the specific purpose(s) for which it is being used. Therefore, reviews should be carried out periodically to confirm this is the case.
- 7.3 In using CCTV cameras, the Council will be processing personal data relating to identifiable living individuals and needs to comply with both the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. When processing personal data, the Council must comply with key data protection principles including fairness, accountability, transparency and respect for the rights that individuals have under the data protection legislation. It is therefore important that the Council identifies an appropriate lawful basis for processing the personal data under Article 6 of the UK GDPR and justifies any processing to be necessary and proportionate.

7.4 The policy has been drafted in line with the above legislative requirements with a particular focus on demonstrating whether each of the CCTV cameras operated by the Council meet a pressing need and also achieve the specific purpose(s) for which they are being used. Where the proposed Review's finding is that a camera does not meet that criterion, it will recommend the camera is moved to a different location where its use is justified. If the cameras in question remain in their existing location the Council will not be complying with its statutory obligations and will potentially be a risk of someone complaining to the Information Commissioner's Office ('ICO') that there is an unwarranted interference with their right to privacy. If this happened the ICO could issue a decision that the Council's use of CCTV is not compliant with the ECHR and/or the UK GDPR leading to a loss of public confidence, reputational damage and in the worst-case scenario enforcement action.

8.0 Recommendations

8.1 It is recommended that the committee approve the Policy and Procedure for legitimacy and effectiveness of CCTV in the city.