

UTT/13/2321/DC, Recreation Ground, Stansted Planning Application for CCTV Camera

Representation by Cllr Alan Dean, 7th September 2013

I object to this planning application and the installation of a CCTV camera on the Recreation Ground at Stansted because it has not been assessed in accordance with the national Surveillance Camera Code of Practice. Its appropriateness is not yet justified; so Uttlesford District Council would not be compliant with the code and its guiding principles were it to proceed without firstly assessing the proposed camera against the guiding principles.

The case presented with the planning application is flimsy and lacks substance. The proposed installation of a surveillance camera is disproportionate. As a resident of Recreation Ground for almost 40 years, I consider that public nuisance in this area has been low in level, occasional only and of a type that would rarely have been addressed by the use of a surveillance camera. There have been few events that would class as criminal.

The council's approval process for **funding** for this camera was based on superficial arguments and it ignored Human Rights legalities that are plainly relevant.

Surveillance Camera Code of Practice

The Surveillance Camera Code of Practice can be accessed at the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/204775/Surveillance_Camera_Code_of_Practice_WEB.pdf

It contains the following guiding principles. My comments relating them to this application are annotated in UPPER CASE.

Guiding Principles

2.6 System operators should adopt the following 12 guiding principles:

1. 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 NOT OBVIOUS TO ME THAT THIS PRINCIPLE HAS BEEN MET. THERE IS NO PRESSING NEED.

2. The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified. THE PROPOSED CAMERA IS PERCEIVED AS INFRINGING THE PRIVACY OF NEARBY RESIDENTS, ESPECIALLY THOSE IN SPENCER CLOSE. IT WILL POINT INTO THEIR GARDENS, LIVING ROOMS AND BEDROOMS. THE RECREATION GROUND IS A PLAY AREA FOR CHILDREN, PARENTS, YOUNG PEOPLE

AND ADULTS. NO CASE HAS BEEN MADE FOR INFRINGING THEIR PRIVACY BY THIS SURVEILLANCE CAMERA.

3. There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints. RESIDENTS HAVE CLAIMED THAT THE PLANNING OF THE SCHEME HAS NOT BEEN TRANSPARENT AND THAT THEY WERE UNAWARE IN DETAIL OF ITS INSTALLATION PRIOR TO THE LAST FEW WEEKS, WHEN A SECOND POLE WAS INSTALLED WITHOUT PERMISSION ON PRIVATE LAND.

4. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used. THERE IS CONFUSION WHETHER ACCOUNTABILITY RESTS WITH THE PARISH COUNCIL, WHICH HOSTS RECORDING EQUIPMENT AND MADE THE REQUEST FOR THE CAMERA FOLLOWING A FREE OFFER BY THE DISTRICT COUNCIL; OR WITH THE DISTRICT COUNCIL, WHICH IS THE APPLICANT AND PURCHASER OF THE EQUIPMENT. OR DOES RESPONSIBILITY AND ACCOUNTABILITY REST WITH ESSEX POLICE? THESE MATTERS NEED TO BE WORKED OUT FOR THERE TO BE COMPLIANCE WITH GUIDELINE 4.

5. Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them. I AM NOT AWARE THAT ANY RULES, POLICIES AND PROCEDURES EXIST.

6. No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged. THE PURPOSE A CAMERA AT THIS CHILDREN'S AND FAMILIES' PLAY AREA HAS NOT BEEN ADEQUATELY DEFINED SO THIS REQUIREMENT CANNOT BE MET.

7. Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes. IF THESE EXIST, THEY

ARE NOT PUBLICLY KNOWN. SOME PEOPLE HAVE THE IMPRESSION THAT THE CAMERA WILL BE USED POST AN EVENT TO APPREHEND YOUNG PEOPLE WHO HAVE BEEN NOISY. IT NEEDS TO BE MADE CLEAR WHETHER PREVENTING OR PURSUING MINOR NUISANCE OR CRIMINAL ACTIVITY IS THE INTENDED AIM OF THE CAMERA, WHETHER THIS WOULD MEET THE REQUIREMENTS OF THE CODE AND WHETHER ESSEX POLICE WILL ACTUALLY DEPLOY EFFORT INTO INVESTIGATING MINOR NOISE NUISANCE POST THE EVENT.

8. Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards. WHO IS THE SYSTEM OPERATOR? IS THAT ORGANISATION ABLE TO FULFIL THIS REQUIREMENT?

9. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use. THESE ARE NOT DESCRIBED.

10. There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published. ARE THESE PROCEDURES IN PLACE?

11. When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value. WHAT IS THE LEGITIMATE AIM AND PRESSING NEED FOR THIS CAMERA? HAVE PROCEDURES BEEN DEVELOPED FOR ENSURING THE CAMERA IS USED TO ACHIEVE ANY AIM AND NEED?

12. Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date. IS THIS REQUIREMENT UNDERSTOOD AND HAS IT BEEN ACTED UPON?

UDC's approval process for this camera was through the cabinet meeting of 8th September 2011, now two years ago. The stated justification in the cabinet report was: "The Administration Manifesto includes the following promise: 'Continued financial support for Police Community Support Officers and an effective CCTV scheme where appropriate to deal with anti-social behaviour.'"

Since that time the cover in Stansted by Police Community Support Officers has declined markedly. CCTV should not be seen as a substitute for the personal impact on crime and nuisance of police officers within the community. It will not be effective.

The coalition government's code of practice was not in place at the time that financial authorisation was given for the cameras, but it is now. Significantly, it should be noted that the Impact Statement in the cabinet paper says that there are **no Human Rights/Legal Implications**. That claim is incorrect. It suggests that no consideration was given at the time to privacy and whether need for the camera outweighed any privacy and Human Rights considerations. These matters had been raised previously at a scrutiny committee but had been downplayed or ignored, even though they were relevant consideration two years ago. The Code of Practice has now formalised and reinforced Human Rights as a relevant factor in determining whether cameras are needed.

Paragraph 2.2 of the Code of Practice states: "In general, any increase in the capability of surveillance camera system technology also has the potential to increase the likelihood of intrusion into an individual's privacy. The Human Rights Act 1998 gives effect in UK law to the rights set out in the European Convention on Human Rights (ECHR). Some of these rights are absolute, whilst others are qualified, meaning that it is permissible for the state to interfere with the right provided that the interference is in pursuit of a legitimate aim and the interference is proportionate. Amongst the qualified rights is a person's right to respect for their private and family life, home and correspondence, as provided for by Article 8 of the ECHR."

No evidence has been presented in the past two years to demonstrate a legitimate aim. In the absence of such evidence, the installation of a camera on the recreation ground is disproportionate. It may also be viewed as a waste of public funds.

The cabinet paper contains no justification for the need for any of these schemes beyond a blanket statement in paragraph 3. This is inadmissible under the code. Also, which authority is liable under the code and the HR Act; the district council for funding and contracting for the installation or the parish council for asking for the camera and agreeing to operate them and pay ongoing costs? Who is going to take responsibility for ensuring that there is ongoing compliance with the code? Is UDC putting itself at risk by installing cameras that are then run by different parish councils which could place different interpretations on the code and the law? There are legal issues here that need to be resolved, especially at a time when state surveillance of private persons is a hot topic with the public and the media.

ENDS