

**NORTHAMPTON BOROUGH COUNCIL**

**GENERAL PURPOSES COMMITTEE**

Your attendance is requested at a meeting to be held at  
The Jeffrey Room, The Guildhall, St. Giles Square, Northampton, NN1  
1DE

on Thursday, 29 September 2016

at 6:00 pm.

**D Kennedy**  
**Chief Executive**

**AGENDA**

- 1. Apologies**
- 2. Minutes**
- 3. Declarations of Interest**
- 4. Deputations / Public Addresses**
- 5. Matters of Urgency which by reason of special circumstances the chair is of the opinion should be considered**
- 6. Electoral Services update**  
(Copy to follow)
- 7. Body Worn Cameras**  
(Copy herewith)
- 8. Exclusion of Public and Press**

THE CHAIR TO MOVE:

“THAT THE PUBLIC BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT.”

## SUPPLEMENTARY AGENDA

Exempted Under Schedule  
12A of L.Govt Act 1972  
Para No:- 4

9. **Employment Review**  
(Copy herewith)

### **Public Participation**

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

## **NORTHAMPTON BOROUGH COUNCIL**

### **GENERAL PURPOSES COMMITTEE**

**Tuesday, 28 June 2016**

**PRESENT:** Councillor Sargeant (Chair); Councillor Kilbride (Deputy Chair);  
Councillors Parekh, Aziz, Marriott, Russell, Stone and Eales

#### **1. APOLOGIES**

Apologies were received from Councillor Shaw and Councillor Gowen whom Councillor G Eales substituted for.

#### **2. MINUTES**

The minutes of the previous meeting were agreed and signed by the Chair.

#### **3. DECLARATIONS OF INTEREST**

Councillor Kilbride declared a personal non-pecuniary interest in Item 7 as a Board Member of NPH.

Councillor Sargeant declared a personal non-pecuniary interest in Item 7 as his partner is a member of the GMB Union. He also declared an interest as a member of the Guild of Freemen of Northampton.

Councillor Stone declared a personal non-pecuniary interest in Item 7 as a member of Unison.

Councillor Russell declared a personal non-pecuniary interest in Item 7 as her partner is a member of the GMB Union.

#### **4. DEPUTATIONS / PUBLIC ADDRESSES**

There were none.

#### **5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED**

None

#### **6. EXCLUSION OF PUBLIC AND PRESS**

The Chair moved that the public be excluded from the remainder of the meeting on the grounds that there was likely to be disclosure to them of such categories of exempt information as defined by Section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12A to such Act.

The Motion was Carried.

## **7. PAY AWARD 2016/17 & 2017/18**

The Chief Executive submitted a report and elaborated thereon. It was explained that they were still waiting for the Trade Unions to respond but that if the pay offer is agreed by the Trade Unions the Council would implement the proposed increase as soon as possible so that employees got the benefit expeditiously. It was noted that the pay claims put forward by the Trade Unions was unaffordable to the Council and could not be budgeted for.

In response to questions asked, the Chief Executive confirmed that the 1% increase would be without other changes to conditions and should the trade unions not accept the proposed award, he would not implement the offer and would speak to the Chair to consider calling another Committee meeting. He noted that there had not been a significant level of disagreement from the Trade Unions and responding to further questions stated that a review of the Terms and Conditions changes implemented in April 2015 is underway and that a report would be brought back in due course

### **RESOLVED:**

1. That the recommendation to agree the 2016/17 and 2017/18 pay offer for implementation on 1<sup>st</sup> April 2016 and 1<sup>st</sup> April 2017 be agreed pending Trade Union agreement.
2. That the recommendation that the Council continues to reflect the Living Wage for directly employed staff paid under the Living Wage, currently £8.20 per hour, in line with the approved policy of the Council be agreed.

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The meeting concluded at 6.27pm

Appendices:

4



**NORTHAMPTON**  
BOROUGH COUNCIL

## GENERAL PURPOSES COMMITTEE REPORT

<b>Report Title</b>	<b>Staffing Implications of Body-Worn Video Policy</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	29 <sup>th</sup> September 2016
<b>Policy Document:</b>	No
<b>Directorate:</b>	Customers and Communities

### 1. Purpose

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- 1.1 To seek agreement to the use of body-worn video by employees of the Council, subject to the approval of, and in accordance with, the Body-Worn Video Policy. (Appendix 1).

### 2. Recommendations

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- 2.1 That, subject to Cabinet's approval of the Body-Worn Video Policy to be considered by Cabinet on 19<sup>th</sup> October 2016, General Purposes Committee supports the use by employees of the Council of body-worn video in accordance with the aforementioned policy.

### 3. Issues and Choices

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#### 3.1 Report Background

- 3.1.1 As part of a comprehensive approach to improving the safety, cleanliness and maintenance of the town centre, and wider town, it is intended to introduce body-worn video to be used by selected employees in specified circumstances or on specified occasions.
- 3.1.2 Employees who will utilise the body-worn video will mainly be staff who work outdoors in the town centre or, on occasions, in other parts of the town, carrying out activities such as enforcement, security and regulation.

- 3.1.3 Such staff to include, but not limited to, Neighbourhood Wardens and Park Rangers.
- 3.1.4 The main purpose of introducing body-worn video is to make staff safer and more effective in their roles by preventing, diffusing or reducing anti-social behaviours or by providing a source of additional evidence to support escalated action. Where equipment is already in use by Local Authorities, the equipment has been shown to improve safety, reduce crime and anti-social behaviour as well as improving the delivery of warden and ranger services through improved efficiency and better management of complaints and investigations.
- 3.1.5 Working within the town centre brings wardens into regular contact with the public sometimes in highly charged circumstances. The introduction of body-worn video allows the interaction and contact they have with the general public in certain situations to be recorded in an indisputable format.
- 3.1.6 Wardens and park rangers are also sometimes subject to varying degrees of abuse whilst carrying out their duties. Some of the abuse can be serious e.g. physical or racial. Whilst wardens and rangers are fully trained to diffuse difficult situations, there are still unfortunately a number of reported incidents each year. The use of body-worn video is anticipated to reduce this. The Council has a duty to ensure, as far as is reasonably practicable, the health and safety of its employees.
- 3.1.7 Documented evidence of conversations with the public will improve fairness, transparency and accountability in the management of complaints. It will also provide objective evidence of controversial events offering protection to both the general public and the wardens/rangers.
- 3.1.8 Training will be provided on an ongoing basis to maximise the impact of the body-worn video. Training will cover not only the use of the cameras but the legislation which applies, including the Data Protection Act 1998 (DPA). The cameras will only be deployed in an overt manner by fully trained officers.

## **4. Implications (including financial implications)**

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### **4.1 Resources and Risk**

- 4.1.1 Body-worn video has already been purchased, there is therefore no resource implications of the body-worn equipment.
- 4.1.2 Use of the body-worn video has been risk assessed and will be reviewed on an ongoing basis. (Appendix 2).

### **4.2 Legal**

- 4.2.1 Legal advice has been sought in developing the Body-Worn Video Policy. Particular regard has been paid to Data Protection implications to ensure the Council is legally compliant. The Freedom of Information Act 2000 provides for a general right of access to information, which is not personal data held by public bodies. The Human Rights Act 1998, Article 6 (right to a fair trial)

requires recordings that might have the potential to be used in court proceedings, to be safe guarded i.e. need an audit trail. Article 8 (right to respect for private life) requires that recordings, which may potentially be private, must not go beyond what is necessary. The integrity of any video data recorded will also be considered in accordance with the Protection of Freedoms Act 2012, The Home Office Surveillance Camera Code of Practice and The Information Commissioners Code of Practice.

## **5. Equality**

- 5.1 A Community Impact Assessment has been undertaken of the Body-Worn Video Policy (CIA). In addition, a Privacy Impact Assessment (PIA) has been completed. The Information Commissioners Office recommends that a privacy impact assessment is completed to ensure compliance with the Data Protection Act to help anticipate and address likely impacts of the use of the equipment to identify solutions to minimise the risk of personal intrusion. The EIA and PIA will be reviewed on an ongoing basis. (Appendices 3 &4).

## **6 Consultees (Internal and External)**

- 6.1 Affected staff have been consulted on the use of body-worn equipment. This consultation is currently an ongoing exercise which commenced in April 2016. Team meetings and one to ones have been held with all potentially affected staff and their union representative. There is a final call for comments to be received by Friday 7<sup>th</sup> October. Consultation has also included the Town Centre Operatives who work in the carparks and bus station. Town Centre Operatives have provided feedback that the body-worn equipment is not considered necessary for their role at this stage although they would like to keep the option under review. The Neighbourhood Wardens and Park Rangers have provided feedback that they are actively in favour of the introduction of body-worn video to support their roles.

## **7 Other Implications**

- 7.1 None

## **8. Background Papers**

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- 5.1 Appendix 1 NBC Body Worn Video Policy  
5.2 Appendix 2 Body-Worn Equipment Risk Assessment  
5.3 Appendix 3 Body-Worn Equipment Community Impact Assessment  
5.4 Appendix 4 Body-Worn Equipment Privacy Impact Assessment

Julie Seddon, Director of Customers and Communities

General Purposes Committee 29<sup>th</sup> September  
Body Worn Cameras Report

**NORTHAMPTON BOROUGH COUNCIL**  
**BODYWORN VIDEO POLICY**



## **1. INTRODUCTION**

- 1.1. This document sets out Northampton Borough Council's Policy and procedural guidelines for the use of Bodyworn Video CCTV cameras by Civil Enforcement Officers within the Borough of Northampton. It will enable employees to comply with the relevant legislation relating to video recording and outline the associated benefits to Civil Enforcement Officers and the general public. It also documents best practice procedures with regard to integrity of data images and video as well as its security and use.
- 1.2. The use of Bodyworn Video by Civil Enforcement Officers within the Borough of Northampton is to act as a deterrent to acts of aggression or verbal and physical abuse towards Civil Enforcement Officers and where necessary to provide evidence to support Police investigations.
- 1.3. Bodyworn Video equipment forms part of a Civil Enforcement Officers personal protective equipment and is provided solely for health and safety purposes. It will be used in an overt manner and Civil Enforcement Officers will give clear warnings to members of the public that video and/or audio recordings may be taken of them and used as evidence by the Police if necessary. Civil Enforcement Officers will also be wearing bright yellow arm bands visually displaying that "BODY WORN CCTV IN USE".
- 1.4. Bodyworn Video will not be used to gather evidence for any other enforcement offences nor will it be used as evidence in proceedings against any member of staff.

## **2. LEGISLATION**

- 2.1. The integrity of any video data recorded will be considered in accordance with the following legislation and statutory guidance:
  - Data Protection Act 1998
  - Freedom of Information Act 2000
  - Human Rights Act 1998
  - Protection of Freedoms Act 2012
  - Home Office Surveillance Camera Code of Practice
  - Information Commissioners Code of Practice

- 2.2. Data Protection Act 1998

The Information Commissioner's Office is the regulator for this Act and has given guidance with regard to Civil Enforcement Officers' use of Bodyworn

CCTV equipment. This legislation regulates the processing of 'personal data' and 'sensitive personal data' whether processed on computer, CCTV, still camera or any other media.

Any recorded image that is aimed at or may identify a particular person is described as 'personal data' and covered by this Act and will include images and audio captured using Bodyworn equipment. The use of Bodyworn CCTV in this guidance is 'overt use' meaning that equipment is not to be worn or used in a hidden or covert manner.

Where an individual asks to view footage this is called a 'subject access request'. The requester is only allowed to see footage of themselves and anyone who has provided consent for their images to be viewed by them.

### 2.3 Freedom of Information Act 2000

This Act grants a general right of access to information held by public bodies, which is not personal data. Information released under FOI can include statistical and other non-personal information.

### 2.4 Human Rights Act 1998

Article 6 provides for the right to a fair trial. All images captured through the use of a Bodyworn device have the potential for use in court proceedings and must be safeguarded by an audit trail in the same way as any other evidence.

Article 8 concerns the right for private and family life, home and correspondence. Recordings of persons in a public place are only public for those present at the time and can still be regarded as potentially private. Any recorded conversation between members of the public should always be considered private and users of Bodyworn equipment should not record beyond what is necessary when recording a confrontational situation.

The Council will ensure that the use of Bodyworn CCTV equipment by its Civil Enforcement Officers is widely advertised prior to commencement. The Council will issue a formal press release in addition to publishing information on its website.

Northampton Borough Council will further ensure that the use of Bodyworn CCTV equipment is emphasized by Civil Enforcement Officers wearing it in a prominent position (normally on their chest) and that its forward facing display is visible to anyone being recorded. Additionally, Civil Enforcement Officers will wear identification that it is a CCTV device and make a verbal announcement, where practicable, prior to commencement of any recording.

## 2.5 Protection of Freedoms Act 2012

Part 2 of the Act creates new regulation for, and instructs the Secretary of State to prepare, a code of practice towards CCTV and automatic number plate recognition.

Chapter 1 gives the full regulatory legislation of CCTV and other surveillance camera technology which relates to a code of practice and interpretations.

## 2.6 Home Office Surveillance Camera Code of Practice

The integrity of any video data recorded will be considered in accordance with this Statutory Guidance.

The Home Office is the regulator for this guidance with regard to Civil Enforcement Officers use of Bodyworn CCTV equipment. This guidance is centred around “12 Guiding Principles” which Northampton Borough Council will adopt and adhere to at all times.

## 2.7 Information Commissioners Code of Practice

The Information Commissioners Code of Practice is the Statutory Guidance issued that runs in conjunction with the Surveillance Code of Practice issued with regard to Civil Enforcement Officers use of Bodyworn CCTV equipment.

# **3. ON STREET OPERATIONAL GUIDANCE AND BEST PRACTICE**

## 3.1 Training

All Civil Enforcement Officers will receive full training in the use of Bodyworn CCTV. This training will include practical use of equipment, on street operational guidance and best practice, when to commence and cease recording and the legal implications of using such equipment.

## 3.2 Daily Use

Bodyworn CCTV will only be used in the event that a Civil Enforcement Officer finds themselves in a confrontational situation where they are subject to, or feel that they are likely to be subject to, verbal or physical abuse.

Whenever practicably possible, recordings will not commence until the Civil Enforcement Officer has issued a verbal warning of their intention to turn on the Bodyworn device.

Recordings will not be made whilst performing normal patrolling duties or for the gathering of any evidence related to other offences.

All recordings will be held within a specifically designed controlled and secure database. Access to recordings will be restricted to authorised personnel.

### 3.3 Start of Shift Procedure

All Civil Enforcement Officers will be issued with their own Bodyworn CCTV device. At the commencement of each shift the Civil Enforcement Officer will ensure that the unit is fully functioning and that it has been cleared of all previous recordings.

The check will also include verifying that the unit is fully charged and that the date and time displayed is correct.

### 3.4 Recording

Recording must be incident specific. Civil Enforcement Officers must not indiscriminately record entire duties, patrols or Fixed Penalty Notice issue processes and must only use recording to capture video and audio at specific incidents.

For the purposes of this guidance an 'incident' is defined as:

- a) an engagement with a member of the public which, in the opinion of the Civil Enforcement Officer is confrontational and where the Civil Enforcement Officer believes that they may be subject to physical or verbal abuse or
- b) the Civil Enforcement Officer is approached by a member of the public in a manner perceived as aggressive or threatening.

At the commencement of any recording the Civil Enforcement Officer should, where practicable, make a verbal announcement to indicate why recording has been activated and where possible this should include the date, time and location together with confirmation that the incident is being recorded using video and audio.

The purpose of issuing a verbal warning is to allow a member of the public to modify what would otherwise be regarded as unacceptable confrontational or aggressive and threatening behaviour. If at any time during an incident the Civil Enforcement Officer considers that the use of Bodyworn CCTV or the issuing of a verbal warning is likely to inflame a confrontational situation the Civil Enforcement Officer may use discretion to disengage from further discussion and withdraw from the incident.

A standard specific form of words to be used in any warning to a member of the public has not been prescribed, but Civil Enforcement Officers should use straightforward speech that can be easily understood by those present such as:

“Sir/Madam, as part of our policy I would like to inform you that I will be recording this conversation”.

### 3.5 Playback

Civil Enforcement Officers will need to be fully aware of the legal implications once digital images and audio have been recorded. To this end playback should only be at the request of a Police Officer attending the incident.

Any request to view captured video by a member of the public will need to be made in writing to Northampton Borough Council in line with the ‘Subject Access Procedure’. Evidence of identity prior to viewing must also be provided.

### 3.6 End of Shift

Civil Enforcement Officers should ensure that any CCTV footage required for evidential purposes has been correctly bookmarked and that any incident reports have been completed.

In the absence of a Team Leader it will be the Civil Enforcement Officers responsibility to ensure that their Bodyworn device is placed on charge at the end of their shift.

### 3.7 Storage of Data

All recorded footage will be uploaded to the Bodyworn camera software by the Team Leader on duty.

The Team Leader on duty will ensure that any footage to be retained has been correctly bookmarked and that supporting incident reports have been completed.

For incidents where the Police have not been in attendance the Team Leader will review the recording and a decision made on whether referral to the Police is appropriate.

The Team Leader will then transfer the data to a secure hard drive within the software and complete the Information Asset Log.

All retained data will be kept until all investigations have been completed or prosecution has taken place before deletion. All data not required for evidential purposes will be deleted after upload as part of the software's standard filing and deletion set up. Data will only be kept for a period of 31 days; thereafter it will be deleted, if it does not form part of an investigation.

### 3.8 Transfer of Data

Any data requested by the Police as part of their investigation will be burnt to disc, labelled as an official exhibit and handed to them. Once in their possession the disc will fall under the Police policy and guidelines for Data Protection.

Details of this process and any relevant information ie, PC name or collar number, date, time etc will be logged within the camera software so there is a full audit trail.

### 3.9 Authorised Personnel

Neighbourhood Wardens and Park Rangers

## **4. REQUEST TO VIEW DATA AND COMPLAINTS**

### 4.1 Subject Access Request

All data not required for evidential purposes will be deleted upon download. However, the Data Protection Act gives individuals the right to be told what personal information the Council holds about them and to receive a copy of that information. Any application to view data is covered by Northampton Borough Council 'Subject Access Request' Procedure. Requests must be made in writing and sent to [requests@northampton.gov.uk](mailto:requests@northampton.gov.uk)

### 4.2 Complaints

Any complaints or queries received from members of the public arising from the use of Bodyworn CCTV equipment should be directed to Director of Customers and Communities.

Members of the public may also be directed to the Information Commissioner's Office website at <https://ico.org.uk>

General Purposes Committee 29<sup>th</sup> September 2016  
Body-Worn Videos

Body-Worn Videos Risk Assessment

This risk assessment outlines the risks associated with the use of body-worn videos (BWV) by employees of Northampton Borough Council. Such staff to include, but not limited to, Neighbourhood Wardens and Park Rangers. While every care has been taken to consider all possible risks, this list is not exhaustive and individual users should consider the possibility of additional risk factors and take appropriate action to manage the identified risk. It is recommended that this list of considerations be combined with operational risk assessments for general patrols or where BWV is being deployed.

**General issues:**

**Capture of personal data** – BWV may inadvertently capture data that is not specific to an incident - **low**

The field of camera vision is relatively small. Officers should ensure that the camera is correctly positioned and this will limit peripheral capture of visual data

**Capture of sound incidental recordings** – BWV may inadvertently capture sound recordings that are not specific to an incident – **medium**

The quality of sound recording, against general outdoor noise, limits most audible recordings. It is possible that dialogue may be inadvertently captured. To limit sound recordings that are not specific to an incident, BWV wearers must remain mindful to the recording device at all times when the device is activated. Officers should not therefore engage in telephone conversations while wearing BWV. Contact between officers in different locations should be limited to radio usage where such equipment is provided. Personal telephone calls should not be made or accepted when the device is activated and should be limited to rest periods.

**Hazard-specific risk level and control measures:**

**Injury** - Wearing the unit on the chest can cause injury through repetitive strain - **Low**

The camera unit is lightweight and must be worn in accordance with the manufacturer's instructions. Users should remove the camera from their chest when not on patrol.

**Injury** - Electric shock from equipment if damaged - **Low**

Equipment to be inspected prior to deployment, any faults to be reported to a supervisor and equipment not to be used if damaged  
If damage occurs during deployment, stop using the unit and return to station

**Injury** - Entanglement with camera lead - **Low**

Ensure that leads are appropriately secured prior to use; where possible, keep leads under outer clothing or Hi-Visibility vests  
Ensure that equipment cabling is 'curled' (like a telephone cable) by the manufacturer to contain the excess cabling in the neck area  
Provide suitable physical break point in cable

**Injury** - Camera becomes warm during use - **Low**

Heat from the camera is considered to be low; if the unit does become hot, the user should remove it and allow it to cool or return it to store

**Radio interference** - Interference between a BWV unit and radio if worn in close proximity, causing temporary radio failure - **Low**

Ensure that BWV and radio are worn on different sides of body

**Assault** - Strangulation of the user with the lead by an offender - **Medium**

Leads to be routed beneath outer clothing or Hi-visibility vests to ensure that a member of the public cannot easily seize them. Appropriate safety techniques to be utilised to avoid close physical contact with other persons. Suitable physical break point in cable to be provided.

**Assault** - Wearer becomes target for assault through overt use of video camera - **Low**

Avoid confrontation unless necessary. Non-BWV users also present to be aware that the body-worn video user may be targeted and to assist where necessary

**Assault** - Chest injury through impact of the camera by an assailant when worn against the chest - **Medium**

Utilise appropriate safety techniques to avoid close physical contact with other persons.

**Sharing units** between multiple users may lead to the transfer of infectious agents or bodily fluid through skin transfer - **Low**



Ensure that suitable wipes are available for wardens/rangers to disinfect each unit before and after use.

## Medium Term Planning and Budget Build proposal

**MTP Ref No:**  **MTP Title:**

**Budget Manager/Head of Service:**

**Directorate:**

**Service:**

**\*Dept:**

\*if applicable

### Financial Impact:

Year	Impact	£
2016/17		
2017/18		
2018/19		
2019/20		
2020/21		

**Cost Centre(s):**

### Links to corporate priorities (please select all that apply)

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Northampton Alive and economic development | <input type="checkbox"/> Housing and Wellbeing             |
| <input checked="" type="checkbox"/> Safer, cleaner neighborhoods               | <input checked="" type="checkbox"/> Empowering communities |
| <input type="checkbox"/> Love Northampton inc. Heritage and Culture            | <input type="checkbox"/> Savings and efficiencies          |

### Brief Description of Proposal:

Introduction of body-worn videos

### Key benefits (including measures of success) and impact arising from the proposal:

The main purpose of introducing body-worn video is to make staff safer and more effective in their roles by preventing, diffusing or reducing anti-social behaviours or by providing a source of additional evidence to support escalated action. Where equipment is already in use by Local Authorities, the equipment has been shown to improve safety, reduce crime and anti-social behaviour as well as improving the delivery of warden and ranger services through improved efficiency and better management of complaints and investigations.

### Key consequences/risks of not delivering the proposal:

That Neighbourhood wardens and Park Rangers are at risk of anti-social behaviour and that crime and anti-social behaviour is not reduced and that staff do not feel supported and protected in their roles.

# Community Impact Assessment

(Incorporating equality analysis and health considerations)

**Name of Matter Assessed:**

**Body Worn Videos**

**What is it:**

A Community Impact Assessment (CIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in decision-making. This document can also be used to consider health and narrowing health inequalities (Health and Care Act 2012)

**When to assess:**

A CIA should be carried out when you are changing, removing or introducing a new service, policy or function. The assessment should be proportionate; a major financial decision will need to be assessed more closely than a minor policy change.

**Due Regard:**

To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations.

In relation to health, we need to consider the potential short term and long term implication of for decisions that we take to support the Health and Wellbeing agendas.

How much regard is 'due' will depend on the circumstances and in particular on the relevance of the aims in the general equality duty to the decision or function in question. The greater the relevance and potential impact, the higher the regard required by the duty. We need to make sure that we understand the potential impact of decisions on people with different protected characteristics and also need to consider this information before and as decisions are being made. This will help us to reduce or remove unhelpful impacts and inequalities.

**For help and guidance on the Public Sector Equality Duty, please refer to :**

[Making Fair Financial Decisions \(External Link\)](#)

The public sector equality duty (the equality duty) does not prevent you from making difficult decisions such as reorganisations and relocations, redundancies, and service reductions, nor does it stop you from making decisions which may affect one group more than another group. The equality duty enables you to demonstrate that you are making financial decisions in a fair, transparent and accountable way, considering the needs and the rights of different members of your community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different protected groups (or protected characteristics under the Equality Act 2010).

**Proposal Name:**

Body Worn Videos

**1. Aims/objectives and purpose of the policy/service**

**Aims and Objectives:**

As part of a comprehensive approach to improving the safety, cleanliness and maintenance of the town centre, and wider town, it is intended to introduce body-worn video to be used by selected employees in specified circumstances or on specified occasions.

Employees who will utilise the body-worn video will mainly be staff who work outdoors in the town centre or, on occasions, in other parts of the town, carrying out activities such as enforcement, security and regulation.

Such staff to include, but not limited to, Neighbourhood Wardens and Park Rangers.

**2. Scope/focus of the Assessment:**

**Who are the key stakeholders:**

Officers i.e. Neighbourhood wardens and Park Rangers  
Members of the general public who are recorded.

**3. Relevant data and/or research**

**Outline the information and research that has informed the decision:**

Consultation, demographic information, KPIs, Staff feedback, discussions with other Local Authorities and desk top research.

#### 4. Current Service Provision & Impact of Change

**What are you doing now; and how will it change:**

Staff are currently undertaking duties with no body-worn videos. Certain staff in accordance with the Body-Worn Video Policy will wear cameras/equipment to support them in their role.

#### 5. Identification of affected groups

**List the groups that may be affected by the proposal along with any expected impacts; Please estimate the number of people affected if known:**

The main group affected will be staff and the expected impact will be increased protection from potential violent or racial motivated abuse from the public. Members of the public who may be filmed would be impacted with the expected outcome that their behaviour may be modified to reflect the fact they are being recorded.

#### 6. Assess and/or undertake Consultation

**Has any additional consultation been performed outside of the budget process? If so please give details:**

Team meetings and one to ones with all staff potentially impacted and with their union representative.

## 7. Assessment of impact on staff

**Please give details of impact on staff, including staffing profile if/as appropriate:**

Staff will have an increased sense of security and safety as a result of having the body-worn videos available to utilise if they feel that their use is necessary and in accordance with the body-worn video policy.

## 8. Assessment of impact on wider community

**Please give details of any impacts to the community as a whole:**

The impact would be that members of the public may be captured on body-worn equipment. All footage will be handled with regard to all relevant legislation including the Data Protection Act and the integrity of any video data recorded will also be considered in accordance with the Protection of Freedoms Act 2012, The Home Office Surveillance Camera Code of Practice and The Information Commissioners Code of Practice.

## 9. Assessment of impact by protected characteristics

**Please summarise the results of the analysis:**

All impacts are positive. If a Warden or Ranger is being verbally or physically abused who may not have the same physical ability to flee the scene, they can record the identity of the person and improve the chances of capturing and convicting the person. Recorded footage is an accurate version of events which could help with any conflict resolution. In relation to staff it demonstrates an accurate record if a complaint is received which could result in the staff member being exonerated when usually it may be a question of one person's word against another.

**10. Assess the relevance and impact of the decision to people with different protected characteristics**

	Please select from the drop-down box	
	Relevance	Impact
Age	High	Positive
Disability	High	Positive
Gender reassignment	High	Positive
Marriage and civil partnership	High	Positive
Pregnancy and maternity	High	Positive
Race	High	Positive
Religion or belief	High	Positive
Sex	High	Positive
Sexual orientation	High	Positive
Other socially excluded groups (include health inequalities)	High	Positive

\*When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

**11. Mitigation of Adverse Impact on staff/service/people**

Where any negative impact has been identified, please outline the measures taken to mitigate against it, or why none is possible:

n/a

**12. Publication of results**

This CIA will be posted on Council's website

### 13. CONCLUSION

**Please state how due regard has been taken to the equality duty, and public health considerations and advise on the overall equality implications that should be taken into account in the final decision, considering relevance and impact:**

This matter has been screened for relevance in relation to the equality duty and no evidence to suggest an impact on equality risk has been identified so far. Consultation and implementation reviews will be undertaken as appropriate to ensure that unintended impacts are addressed as appropriate

Signed: Julie Seddon

Date: 28/09/16



General Purposes Committee 29<sup>th</sup> September 2016

**Northampton  
Borough Council  
Body-Worn Video (BWV)  
Privacy Impact Assessment**

# 1 Introduction and Screening Questions

It is widely known that citizens, going about their daily lives, are likely to have their movements and identity captured on surveillance systems. Therefore, it is important to mitigate any privacy risks and issues. This Privacy Impact Assessment has been written to explore these issues and in particular to explain:

- The rationale for Northampton Borough Council introducing and using this technology
- The legality behind its use
- The likely operational circumstances when council officers may use BWV
- Key privacy issues and risks and an explanation on their mitigation

The Information Commissioner's Office Code of Practice recommends the application of 'screening questions' to confirm or otherwise the requirement for a Privacy Impact Assessment and to indicate its appropriate scale and detail. These questions are re-produced in the table below:

<b>No.</b>	<b>Question</b>	<b>Response</b>
1	Does the project apply new or additional information technologies that have the potential to invade the privacy of any individuals and/ or employees?	Yes. BWV (although overt) is proximate to incidents and events and therefore has the potential to invade the privacy of individuals, as well as the officers carrying them.
2	Does the project hold sensitive information that could potentially expose the identity of the individuals and/ or employees and require new security measures	Yes. BWV holds personal data requiring appropriate network and hardware security.
3	Does the project have the capacity to continue without identifying any of the individuals and/ or employees?	No. Only identified employees have access to the BWV camera software. No unidentified employee has access to this software.
4	Does the project involve working with multiple organisations, whether they are government agencies or private sector organisations (e.g. as outsourced service providers or as 'business partners')?	Yes. Due to the nature of the specified purposes, there is likely to be sharing of data with Northamptonshire Police.
5	Does the project involve new or significantly changed handling of personal data that is of particular concern to individuals and/ or employees?	Yes. Images of people whether victims, suspected offenders, witnesses, bystanders or officers will be captured on BWV before secure but accessible storage.
6	Does the project involve new or significantly changed handling of a considerable amount of personal data	Yes. The uploading and storage of images is the core of the BWV system.

<b>No.</b>	<b>Question</b>	<b>Response</b>
	about each individuals and/ or employees in the database requiring new retention arrangements?	
<b>7</b>	Does the project involve new or significantly changed handling of personal data about a large number of individuals and/ or employees?	Yes. The actual length (amount) of footage and what proportion is categorised as evidential and therefore retained, will be closely monitored.
<b>8</b>	Does the project involve new or significantly changed consolidation, inter-linking, cross-referencing or matching of personal data from multiple sources?	No. Although as a caveat building prosecution cases could involve the creation of composite video evidence e.g. bringing together BWV and CCTV.
<b>9</b>	Does the project relate to data processing which is in any way exempt from legislative privacy protections e.g. The Data Protection Act?	<p>Yes; potentially Sections 28 (National security) and 29 (Crime and taxation) of the Data Protection Act.</p> <p>The Freedom of Information Act 2000 provides some specific exemptions to the requirements to disclose information. The exemptions can be found in Part II of the 2000 Act, at sections 21 to 44. These are known as 'absolute exemptions' and 'qualified exemptions'. This could include, for example, information that breaches an individual's right to privacy under the Act. A full list of the exemptions can be found on the Information Commissioner's website.</p>
<b>10</b>	Does the project's justification include significant contributions to public security measures?	Yes. Included in the social need of the prevention and detection of crime, is public safety and security.
<b>11</b>	Does the project involve disclosure of personal data to, or access by, third parties that are not subject to similar privacy impact audits?	Yes. Disclosure will be to other public bodies; police services, the Courts and NHS Trusts.
<b>12</b>	Will the project be subject of consultation both internally and externally	Yes. This has taken place and a community impact assessment has also been undertaken.

## **2 What is a Privacy Impact Assessment and what is the need for it?**

2.1 Any project or set of new processes that involve exchanging personal information, inevitably gives rise to privacy concerns from the public. The data collection, sharing and processing must therefore be undertaken within a clear legal framework with minimum intrusion on an individual's privacy. A Privacy Impact Assessment (PIA) can assess privacy risks to individuals as part of the collection, use and disclosure of information, within projects and policies that involve the processing of personal data. It enables the Council to systematically and thoroughly analyse how a particular project or system will affect the privacy of the individuals involved. This PIA only addresses the application of BWV equipment in an overt capacity.

Any project or set of new processes that involve exchanging personal information, inevitably gives rise to privacy concerns, from the public. Indeed, the cumulative effect of many such initiatives during recent decades has resulted in harm to public trust and to the reputations of corporations and government agencies alike. The PIA will ensure that individuals and wider communities have confidence that BWV devices are deployed to protect and support them, rather than spy on them.

## **3 The Information Flows**

Northampton Borough Council has the responsibility for the processing of information in its possession which commences at the point when an officer captures it. The capturing of information is covered in the Body-Worn Video Policy.

## **4 Consultation Requirements**

Northampton Borough Council has taken practical steps to ensure we have identified and addressed privacy risks. We have carried out consultation with staff.

## **5 The general privacy and related risks of surveillance technology**

Through the introduction of this type of technology, there might naturally be concerns associated with how any information is being captured, processed and retained by Northampton Borough Council.

So far as surveillance and data storage is concerned the general risks are:

1. Inappropriate collecting of images.
2. Retention period of images too long or not long enough.
3. Risk of disclosure in normal usage (e.g. monitors and images viewable by the public).

4. Risk of accidental disclosure (poor procedures and inadequate training of staff processing the data).
5. Risks associated with intentional or legally required disclosure, e.g. S7 subject access requests.

## 6 The privacy and related risks of BWV

Privacy Issue	Risk to Individuals	Compliance Risk	Northampton Borough Council
Collection of data	<p>Contravention of privacy rights</p> <p>Unauthorised access to data</p>	Data Protection Act 1998 - contravenes Principle 1 (fair and lawful processing)	<p>The Data Protection Act comprises eight principles and data controllers have a legal obligation to comply with these principles. The data subject must be informed of: the identity of the data controller; the purpose or purposes for which the material is intended to be processed; and any further information that is necessary for processing to be fair.</p>
Loss or misuse data	<p>A failure to account for a full audit trail</p> <p>Footage being kept for longer than necessary</p>	Data Protection Act 1998 - contravenes Principle 7 (security)	
Footage being recorded unnecessarily	If a retention period is not established information might be used for longer than necessary.	Data Protection Act 1998 - contravenes Principle 3 (excessive)	<p>Data losses which damage individuals could lead to claims for compensation. The data will be securely stored, with access granted only to employees who have had specific training, and been granted authority..</p> <p>BWV cameras will not record at all times (they can be turned on and off) and will be automatically deleted after 30 days.</p>

Recorded images (in private as opposed to public areas)	Misuse of footage	Human Rights Act 1998 – contravenes Article 8 (the right to respect for private and family life, home and correspondence )	The use by Council staff of BWV must be shown to be proportionate, legitimate, necessary and justifiable. In addition, use of the equipment should address a ‘pressing social need’ especially in respect of its application within the confines of the Articles enshrined by
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			the European Convention of Human Rights (incorporated into the Human Rights Act 1998).
The use of images in court proceedings	Measures taken against individuals as a result of collecting information about them might be seen as intrusive	Human Rights Act 1998 – contravenes Article 6 (the right to a fair trial)	Public distrust about how information is used can damage an organisation’s reputation. In respect of the Human Rights Act, the Council is satisfied that the use of BWV is necessary, legitimate and proportionate.
The use of images in court proceedings	The information provided may be beneficial to the prosecution or the defence	Criminal Procedure and Investigations Act 1996	Images that are relevant to an investigation must be retained in accordance with the Code of Practice issued under Section 23 of the CPIA. Any generated digital images should be accompanied by a full audit trail, from the point of capture of the image throughout the whole management process – including when they are passed to the CPS or the defence or if there is any supervised viewing.
The potential for covert surveillance	Contravention of privacy rights	Regulation of Investigatory Powers Act (RIPA) 2000	The Council’s surveillance activities in respect of BWV will be overt. BWV devices will not be used in a covert manner. Under s26(9)(a) of RIPA, surveillance is “covert” if, and only if, it is carried out in a manner that is calculated to ensure that persons who are subject to the surveillance are unaware that it is or may be taking place. Northampton Borough Council will ensure the use of BWV is highly visible to the public and if necessary, an officer wearing the equipment will announce

## 7 Solutions to the Privacy Risks

Risk	Solution
Collection/ use / loss of data	<p>Access to data only available to authorised staff.</p> <p>Persons entitled to access data identified in CCTV Code of Practice. All data signed for by person receiving the data.</p> <p>For full disclosure, publish the PIA and Policy documents on the public website.</p>
Footage being recorded unnecessarily	<p>The system will be properly set up to retain data for the correct retention period (maximum 30 days, before automatic deletion).</p>
Recorded images (in private as opposed to public areas)	<p>Any attempt to delete any recording whilst on duty will be clearly identified (via the audit trail) once the camera is returned to the control centre.</p> <p>There will also be a log of the booked out cameras, which shows the user who booked out the camera</p>
The use of images in court proceedings	<p>All officers will receive training in all the necessary technical aspects of the equipment being used. This will cover the legal implications, equipment, practical use e.g. when to commence and cease recording, and health and safety.</p>
The potential for covert surveillance	<p>BWV will only be deployed in an overt manner.</p>

## 8 Evaluation of the Solutions to the Privacy Risks

8.1 Northampton Borough Council recognises the concerns from the public regarding privacy issues. Accordingly, this technology will only be deployed in an overt manner, using trained, uniformed staff and in defined operational circumstances. The use of BWV, both image and audio, has been investigated to ensure legislative compliance. All captured data will be processed and managed in compliance with the relevant legislation such as Data Protection Act, Human Rights Act 1998. It is important that a surveillance system produces information that is of a suitable quality to meet the purpose for which it was installed.

8.2 BWV systems are likely to be more intrusive than the more 'normal' CCTV style surveillance systems because of its mobility; however BWV also has the potential for positive outcomes for both the Council and its citizens. It can, for example, help reduce the occurrence of intimidation and threat of violence, for the benefit of staff and the public.



8.3 The introduction of BWV cameras at Northampton Borough Council will only be used in accordance with the law and the specific privacy related impacts have been identified but are mitigated as set out below. The default retention period for BWV is 31 days and the system is fully audited.

8.4 Cameras are fully encrypted. Data collected from BWV cameras is not accessible to any other parties other than other authorised council officers. Once the data is uploaded it will be kept securely on a password protected PC which will be locked down to certain nominated users to ensure its safeguarding. Only nominated council officers will be able to access the footage to view or delete recordings.

8.5 The system used will be regularly tested to ensure its efficiency in protecting the footage captured. Procedures will be regularly checked to ensure best practices are followed, to identify problems in the procedures and to amend / update them as necessary.

8.6 It is recognised that for some, the deployment of BWV cameras impact on the public's privacy and their trust and confidence in the local authority. The public has a right to challenge whether collection of data in this way is really necessary / proportionate. Surveillance cameras however do already operate in Northampton through fixed CCTV cameras and therefore this is not a new concept. This project is to enhance the authority's ability to improve the safety, cleanliness and maintenance of the Town and to offer protection to council officers working within the Town Centre and occasionally the wider Borough.

8.7 Misuse of the data constitutes serious misconduct and will be robustly dealt with should it ever happen. Auditing systems are in place to deter any such wrong doing and to identify it, should it happen.

8.8 Likely outcomes if these risks are not adequately addressed include complaints, drain on resources, damage to reputation and enforcement action and sanctions by ICO.

## **9 Review of the Privacy Impact Assessment**

9.1 The system used will be regularly tested to ensure its efficiency in protecting the footage captured. Procedures will be regularly checked to ensure best practices are followed, to identify problems in the procedures and to amend / update them as necessary.

9.2 Northampton Borough Council will review the impact of BWV cameras on an ongoing basis.

# Agenda Item 9

By virtue of paragraph(s) 4 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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