

## **REPORT TO EXECUTIVE**

Date of Meeting: 3 December 2024

## **REPORT TO COUNCIL**

Date of Meeting: 17 December 2024

Report of: Strategic Director Place

Title: The use of Body Worn Video Cameras

### **Is this a Key Decision?**

No

### **Is this an Executive or Council Function?**

Council

#### **1. What is the report about?**

1.1 To seek approval for the use of Body Worn Video Cameras for enforcement type activity across the City Council.

#### **2. Recommendations:**

2.1 That Executive recommends that Council approves the attached policy and use of Body Worn Video Camera's across the City Council's enforcement activities.

#### **3. Reasons for the recommendation:**

3.1 To ensure that in authorising officers to use Body Worn Cameras that the Council adheres to its statutory obligations.

3.2 The reason for seeking approval for the use of Body Worn Cameras is for the protection of the public and the prevention of crime across the City when Council officers are engaged in enforcement activities.

#### **4. What are the resource implications including non financial resources**

4.1 22 Body Worn Video Cameras and 6 docking stations were purchased from external grant funding (UK Shared Prosperity Fund) at a cost of £14,944, to support the rollout of additional digital CCTV cameras across the City Centre.

4.2 Ongoing annual fees to support relevant software and maintenance of the Body Worn Video Camera software is £902 – Dems 360 Support, the software package that manages all video recordings from the BWVC's. This will be sourced from within existing budgets.

4.3 Resources will be required to fund training and awareness raising programmes to ensure all staff that wear a Body Worn Video Camera understand their roles and legal responsibilities. This will be sourced through the central training budget, as part of the annual Performance and Development Review.

4.4 For roles that require the wearing of Body Worn Video Camera, it is advised that the compulsory wearing of them is added to relevant role job descriptions and uniform policy.

## **5. Section 151 Officer comments:**

5.1 As the ongoing funding will be sourced from existing budgets and the cameras were acquired using external funding, there are no further financial implications for Council to consider.

## **6. What are the legal aspects?**

6.1 Authorisation under the Regulation of Investigatory Powers Act 2000 (RIPA) is required for various types of covert surveillance and investigatory activities which are conducted by public authorities, including Exeter City Council. These include, for example, directed and intrusive surveillance. Directed surveillance under RIPA is defined as covert surveillance that is not intrusive and is undertaken for the purposes of a specific investigation or operation and is conducted in a manner likely to result in the obtaining of private information about a person. In addition, directed surveillance is carried out otherwise than by way of an immediate response to events or circumstances where it would not be reasonably practicable to seek authorisation. Local authorities are able to carry out directed surveillance provided that they secure authorisation to do so. Intrusive surveillance is defined as covert surveillance that is carried out in relation to anything taking place on any residential premises or in any private vehicle. It involves either the presence of an individual on the premises or in the vehicle, it is carried out by means of a surveillance device. The power to conduct intrusive surveillance is limited to law enforcement agencies and is not available to local authorities or other public bodies. In order to carry out directed surveillance, authority must be provided by the Council's designated person. If the authority is granted, then it does not take effect until it has been approved by a Magistrate.

Overt surveillance falls outside the scope of RIPA. Accordingly, surveillance which is conducted openly and not in a covert manner is not regulated by RIPA.6.2 Officers must be trained in the use of Body Worn Cameras to ensure that covert surveillance does not take place.

## **7. Monitoring Officer's comments:**

7.1 Members will note the reasons for the provision of body worn cameras and the legal aspects set out above.

## **8. Report details:**

8.1 As part of Exeter's allocation of Shared Prosperity Fund and to support the intervention of 'Design Out Crime', 30 digital CCTV cameras were purchased, to replace old analogue cameras across the city centre. To support this activity, 22 Body Worn Video Cameras were purchased to address growing levels of Anti-Social Behaviour (ASB), particularly in the city centre.

8.2 The intention is for the use of Body Worn Video Cameras to:

- Raise standards of service delivery;
- Reduce incidents of conflict and the escalation of any such incident;

- Reduce anti-social behaviour incidents;
- Be used in the process of civil enforcement to help ensure transparency, accuracy, and prosecution; and,
- Use images for the safety of staff to the Employee Protection Register.

8.3 Body Worn Video Cameras are being trialled within the car park team and the new Community Safety Team, to address any teething issues, this is Phase 1. For Phase 2, the remaining Body Worn Video Cameras (12) will be available to services and officers that undertake enforcement type duties, which include:

- Car Parking
- Community Safety
- Environment Health
- Housing
- Harbour & Waterways

8.4 Body Worn Video Cameras are on a 30 second pre-record loop. Once an officer presses record, the camera will record footage from the previous 30 seconds onwards, until stop is pressed. When an officer is approaching suspected or known ASB locations, and before any engagement, the Officer switches on their camera and clearly states to individuals that the encounter/conversation is being recorded.

8.5 The use of Body Worn Video Cameras falls within the overall remit of CCTV, following the CCTV Code of Conduct: <https://exeter.gov.uk/media/3726/cctv-code-of-practice-version-4.pdf> Specific documents have been produced relevant to Body Worn Video Cameras, and are:

- Body Worn Video Camera Privacy Notice
- Body Worn Video Camera Procedure Manual & Guidance
- Data Protection Impact Assessment
- Equality Impact Assessment
- Device Allocation
- Footage Request (for ECC purposes only)
- Operation Manual

8.6 If footage is requested by Devon & Cornwall Police, it is the same process in requesting CCTV footage, a "Request for Disclosure of Data from CCTV System" form is completed and submitted to the 'Control Centre Operations Manager'.

8.7 Once the Body Worn Video Camera Policy has been approved and adopted, discussions will commence with Strata Service Solutions Ltd in how footage can be downloaded from each device in each service location, rather than the cameras having to be taken to the Control Centre in the City Centre.

8.8 The Operation Manual & Policy for the use of BWVC is included within Appendix 1. The supporting EQIA, Operational Manual & Policy have already been considered by SMB. Once approved, supporting guidance documents will be available to Officers on the City Council's Intranet, as well as training.

## **9. How does the decision contribute to the Council's Corporate Plan?**

9.1 In supporting the City Centre, the business community and in addressing ASB, the Body Worn Video Camera Policy contributes directly to three elements of the Corporate Plan:

- Prosperous Local Economy;
- Housing and Building Great Neighbourhoods & Communities; and
- Leading a Well-Run Council.

## **10. What risks are there and how can they be reduced?**

10.1 Failure to meet and follow the Body Worn Video Camera Policy could result in legal challenges to the City Council, from those being filmed. Those wearing a Body Worn Video Camera will receive training and refresher training in how to use equipment, as well as GDPR and in adhering to the Body Worn Video Camera Policy.

10.2 As part of the phased roll-out programme, best practice will be shared amongst teams and officers.

10.3 City Council officers work with the Exeter Community Safety Partnership (Safer Exeter) to ensure best practice is followed at all times, in addressing ASB across Exeter.

10.4 The BWVC policy will be reviewed when the overarching CCTV is reviewed in 2025.

## **11. Equality Act 2010 (The Act)**

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation, and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies, and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage, and civil partnership status in coming to a decision.

11.4 In recommending this proposal potential impact has been identified on people with protected characteristics as determined by the Act and an Equalities Impact Assessment has been included in the background papers for Member's attention.

11.5 In completing the EQIA, a number of actions have been identified to mitigate any negative impact:

- Review footage to ensure there isn't unconscious bias across the organisation. If unconscious bias is recognised, it is no longer unconscious, with the effected officer spoken with by their line manager and recommended for training.
- Receive feedback from staff that use Body Worn Video Cameras on their perception of safety as a result of using
- Review the policy and EQIA after 12 months

## **12. Carbon Footprint (Environmental) Implications:**

12.1 There are no direct carbon/environmental impacts arising from the recommendations.

## **13. Are there any other options?**

13.1 No additional options were considered as part of this report.

**Strategic Director Place, Ian Collinson**

Author: Head of Service, City Centre & Net Zero

## **Local Government (Access to Information) Act 1972 (as amended)**

Background papers used in compiling this report:-

- Data Protection Act 2018, Schedule 1 - <https://www.legislation.gov.uk/ukpga/2018/12/schedule/1>
- Regulation of Investigatory Powers Act 2000 - <https://www.legislation.gov.uk/ukpga/2000/23/contents>

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