



Home Office

**CONSULTATION ON A CODE
OF PRACTICE RELATING TO
SURVEILLANCE CAMERAS**
IMPACT ASSESSMENT

Title: Further regulation of Closed Circuit Television (CCTV) Lead department or agency: Home Office Other departments or agencies: Communities and Local Government Department for Transport Welsh Assembly Government Local Government Association Association of Chief Police Officers (ACPO)	Impact Assessment (IA)
	IA No: HO0016
	Date: January 2011
	Stage: Consultation
	Source intervention: Domestic
Type of measure: Primary legislation	

Summary: Intervention and Options

What is the problem under consideration? Why is government intervention necessary?

Over the past decade, there has been a steady erosion of historic civil liberties alongside the rise of the surveillance society and the database state. This Coalition Government will restore the rights of individuals and safeguard civil liberties in keeping with Britain's tradition of freedom and fairness. In the Coalition's programme for government, they committed to implementing a full programme of measures to reverse the substantial erosion of civil liberties and to roll back state intrusion. As part of this programme, they pledged to further regulate Closed Circuit Television (CCTV). Given the similarities between the two systems, the Home Secretary took an early decision also to include Automatic Number Plate Recognition (ANPR) systems.

What are the policy objectives and the intended effects?

In keeping with the Coalition Government's pledge to safeguard freedoms and protect civil liberties, they believe it essential, in terms of proportionality and retaining public confidence, that there is an appropriate regulatory framework relating to the use of CCTV and ANPR (which have both developed in the absence of any specific or bespoke regulatory framework). The ambition is for CCTV and ANPR systems to be necessary, proportionate, have public backing and support, and to be used appropriately.

What policy options have been considered? Please justify preferred option (further details in Evidence Base)

The Government has considered a range of options, balancing the need to raise general standards and consistency of approach in the operation of CCTV and similar systems with the need to avoid unreasonable or unnecessary financial or regulatory burdens on public and private sector operators.

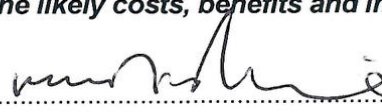
1. Do nothing
2. Develop and Publish a self-regulating Code of Practice to be monitored by a Surveillance Camera Commissioner.

The preferred Option is Option 2 as it not only meets the objectives set out in the Government's pledge, but it also does so with minimal expected financial and regulatory burden. Further work will be required to determine the content of the Code of Practice based on the feedback from the consultation.

When will the policy be reviewed to establish its impact and the extent to which the policy objectives have been achieved?	It will be reviewed 01/2016
Are there arrangements in place that will allow a systematic collection of monitoring information for future policy review?	No

Ministerial Sign-off For consultation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:  Date: 09/02/11

Summary: Analysis and Evidence

Policy Option 2

Description:

New Surveillance Camera Commissioner and the development of a Code of Practice

Price Base Year 2010	PV Base Year 2010	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate: N/K

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	N/A	N/A	N/A
High	N/A	N/A	N/A
Best Estimate	N/A	Negligible	Negligible

Description and scale of key monetised costs by ‘main affected groups’

It is expected that this option will be cost neutral. The costs of making the existing interim CCTV Regulator a statutory post are not expected to outweigh current provision. Other than in the case of police forces and local authorities, who will be required to have regard to the code in their use of surveillance camera systems, for all other users, adoption of the code will be on a voluntary basis for the time being. It is anticipated that police and local authorities are already likely to be largely compliant with recommendations that may be developed in a new code and that any additional burdens will therefore be negligible.

Other key non-monetised costs by ‘main affected groups’

The approach adopted aims to achieve incremental improvement. It is anticipated that many surveillance camera operators are already complying with the types of good practice that will be recommended by the code (although precise content has yet to be determined). Any enhancements to procedures or equipment are likely to be capable of being absorbed into normal ‘business as usual’ costs – for example as part of regular training activity or periodic equipment upgrades. The self regulatory nature of the code will enable businesses to scale or plan any expenditure according to their own requirements and resources.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	N/K	N/K	N/K
High	N/K	N/K	N/K
Best Estimate	N/K	N/K	N/K

Description and scale of key monetised benefits by ‘main affected groups’

While it is not possible to quantify these benefits at present, it is hoped that reaching consensus on such things as operating and equipment standards and bringing about consistency in procedures, more effective use and quality of systems and procedures (e.g. reductions in storage of data, clarity on training requirements, reductions in complaints etc) will yield benefits to users.

Other key non-monetised benefits by ‘main affected groups’

The public are expected to benefit through improved transparency of surveillance camera use and thereby increased public confidence that it is being used appropriately. Possible improvements over time in quality of images and ease of recovery may prove valuable in improving the prospects of crime detection and prosecution.

Key assumptions/sensitivities/risks

Discount rate (%) 3.5%

Since this is largely a matter of self regulation, users may be slow or fail entirely to adopt common principles and approaches thereby circumventing the desired outcomes, and minimising any meaningful impact. Public confidence may be unaffected or fall further.

Impact on admin burden (AB) (£m):			Impact on policy cost savings (£m):	In scope
New AB: N/A	AB savings: N/A	Net: N/A	Policy cost savings: N/A	Yes

Enforcement, Implementation and Wider Impacts

What is the geographic coverage of the policy/option?	England and Wales				
From what date will the policy be implemented?	2012				
Which organisation(s) will enforce the policy?	Self regulation				
What is the total annual cost (£m) of enforcement for these organisations?	Negligible				
Does enforcement comply with Hampton principles?	Yes				
Does implementation go beyond minimum EU requirements?	No				
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)	Traded: N/A		Non-traded: N/A		
Does the proposal have an impact on competition?	No				
What proportion (%) of Total PV costs/benefits is directly attributable to primary legislation, if applicable?	Costs: N/K		Benefits: N/K		
Annual cost (£m) per organisation (excl. Transition) (Constant Price)	Micro N/K	< 20 N/K	Small N/K	Medium N/K	Large N/K
Are any of these organisations exempt?	No	No	No	No	No

Specific Impact Tests: Checklist

Set out in the table below where information on any SITs undertaken as part of the analysis of the policy options can be found in the evidence base. For guidance on how to complete each test, double-click on the link for the guidance provided by the relevant department.

Please note this checklist is not intended to list each and every statutory consideration that departments should take into account when deciding which policy option to follow. It is the responsibility of departments to make sure that their duties are complied with.

Does your policy option/proposal have an impact on...	Impact	Page ref within IA
Statutory equality duties¹? <u>Equality and Human Rights Commission: General guidance</u>	No	10
Economic impacts		
Competition? <u>Competition Impact Assessment</u>	No	10
Small firms? <u>Small Firms Impact Test</u>	Yes	10
Environmental impacts		
Greenhouse gas assessment? <u>http://www.defra.gov.uk/environment/index.htm</u>	No	10
Wider environmental issues? <u>Guidance has been created on the Defra site</u>	No	10
Social impacts		
Health and well-being? <u>Health: Health Impact Assessment</u>	No	10
Human rights? <u>Ministry of Justice: Human Rights</u>	Yes	10
Justice?	No	10
Rural proofing? <u>Commission for Rural Communities</u>	No	10
Sustainability? <u>Defra: Think sustainable</u>	No	10

¹ Race, disability and gender Impact assessments are statutory requirements for relevant policies. Equality statutory requirements will be expanded 2011, once the Equality Bill comes into force. Statutory equality duties part of the Equality Bill apply to GB only. The Toolkit provides advice on statutory equality duties for public authorities with a remit in Northern Ireland.

Evidence Base (for summary sheets) – Notes

Use this space to set out the relevant references, evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Please fill in **References** section.

References

Include the links to relevant legislation and publications, such as public impact assessment of earlier stages (e.g. Consultation, Final, Implementation).

No.	Legislation or publication
1	ICO CCTV Code of Practice, 2008
2	Home Office Research Study 292 "Assessing the Impact of CCTV", Professor Martin Gill, February 2005
3	Campbell Collaboration review, "Effects of CCTV on Crime", 2008
4	National CCTV Strategy, October 2007
5	IPSO/MORI survey for Home Office, 2009

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Evidence Base

Ensure that the information in this section provides clear evidence of the information provided in the summary pages of this form (recommended maximum of 30 pages). Complete the **Annual profile of monetised costs and benefits** (transition and recurring) below over the life of the policy (use the spreadsheet attached if the period is longer than 10 years).

The spreadsheet also contains an emission changes table that you will need to fill in if your measure has an impact on greenhouse gas emissions.

Annual profile of monetised costs and benefits* - (£m) constant prices

	Y ₀	Y ₁	Y ₂	Y ₃	Y ₄	Y ₅	Y ₆	Y ₇	Y ₈	Y ₉
Transition costs	N/K	N/K	N/K	N/K	N/K	N/K	N/K	N/K	N/K	N/K
Annual recurring cost	N/K	N/K	N/K	N/K	N/K	N/K	N/K	N/K	N/K	N/K
Total annual costs	N/K	N/K	N/K	N/K	N/K	N/K	N/K	N/K	N/K	N/K
Transition benefits	N/K	N/K	N/K	N/K	N/K	N/K	N/K	N/K	N/K	N/K
Annual recurring benefits	N/K	N/K	N/K	N/K	N/K	N/K	N/K	N/K	N/K	N/K
Total annual benefits	N/K	N/K	N/K	N/K	N/K	N/K	N/K	N/K	N/K	N/K

* For non-monetised benefits please see summary pages and main evidence base section



Microsoft Office
Excel Worksheet

EVIDENCE BASE (FOR SUMMARY SHEETS)

A. STRATEGIC OVERVIEW

A.1 BACKGROUND

The increase in Closed Circuit Television (CCTV) and Automatic Number Plate Recognition (ANPR) use - especially in areas to which the public have access - has developed in the absence of a specific regulatory framework. In keeping with our pledge to safeguard freedoms and protect civil liberties we believe it essential, in terms of proportionality and retaining public confidence, that CCTV and ANPR are appropriately regulated. Our ambition is for CCTV and ANPR systems to be necessary, proportionate, have public backing and support, and to be used appropriately.

The following regulation already applies to CCTV:

- images captured by CCTV amount to personal data and are therefore covered by the Data Protection Act 1998;
- the Information Commissioner is able to consider possible breaches of the Act in terms of the handling of such data and has issued guidance on CCTV usage and its relationship to the Act;
- there are safeguards under the Regulation of Investigatory Powers Act 2000, relating to the covert use of CCTV; and
- a number of other provisions apply, for example, to such aspects as the location of cameras, licensing of operators or particular types of camera for specific purposes, and the use of images as evidence.

These provisions are however frequently focused on one specific aspect of system use and there is no single, agreed, overarching framework dealing with the wide range of issues relevant to the use of CCTV and similar technologies.

Information on the precise extent of CCTV and ANPR use nationally, is not centrally available, although it is common ground that CCTV and/or ANPR equipment is in use across the country in a wide range of situations including:

- Government and Public property
- High Streets, shopping centres and Public spaces
- Public transport and transport hubs (stations, underground etc)
- Fuel stations
- Financial Institutions
- Security Firms
- Storage Facilities
- Motorways and the Road network
- Airports and Border Crossings
- Many small firms/ shops which may have single, or very limited, staffing.

A.2 GROUPS AFFECTED

The main groups affected by the proposals are: owners and operators of CCTV and ANPR systems and cameras, including Government, Local Authorities, Police forces and Businesses; suppliers of such equipment, and the Public.

A.3 CONSULTATION

Within Government

The Home Office has developed these proposals in consultation with the following Government departments: Communities and Local Government, Department for Transport, Ministry of Justice, the Department for Education, Welsh Assembly Government, Home Affairs Committee and the Better Regulation Committee.

Public Consultation

This IA accompanies a formal public consultation. A list of the organisations being consulted can be found in Annex 3.

B. RATIONALE

Over the past decade, there has been a steady erosion of historic civil liberties alongside the rise of the surveillance society and the database state. This Coalition Government is pledged to restore the rights of individuals and safeguard civil liberties in keeping with Britain's tradition of freedom and fairness. In the Coalition's programme for government, they committed to implementing a full programme of measures to reverse the substantial erosion of civil liberties and to roll back state intrusion. As part of this programme, they undertook to further regulate CCTV. Given the similarities between the two systems, it was decided also to include ANPR.

C. OBJECTIVES

In keeping with the Coalition Government's pledge to safeguard freedoms and protect civil liberties, they believe it essential, in terms of proportionality and retaining public confidence, that CCTV and ANPR are appropriately regulated.

The policy objective is for CCTV and ANPR systems to be necessary, proportionate, have public backing and support, and to be used appropriately.

In addition, to make good on investments, it is also vital to ensure that the best use is made of existing CCTV and ANPR systems and cameras.

In evaluating the options the following have been key considerations:

- minimising costs – in particular to local authorities and businesses
- minimising bureaucracy
- minimising regulation in keeping with the Coalition government's pledges on regulation
- minimising burdens on local authorities and businesses
- securing public backing and support
- ensuring increased openness and transparency and
- seeking to raise standards.

D. OPTIONS

Option 1 Do Nothing

This option would involve continuation of the status quo, and forms the baseline for comparison for other options.

The use of CCTV and similar systems is not entirely unregulated at present. For example, there are requirements to comply with the Data Protection Act, requirements for licensed operators, or compliance with planning permission in some cases. It follows that operators are already incurring costs depending on their precise circumstances. These would continue unaffected by a do nothing option depending on individual decisions by operators as to how to conduct their business and their degree of use of such systems.

In the absence of any overarching framework the cost benefit of CCTV use would be solely a matter for individual operators.

A do nothing approach would potentially prevent any common benefits (for example such as improvements in quality) being realised. It would also fail to deliver on government commitments to further regulate in this area. This would be detrimental to public confidence in surveillance systems; it would leave users having to devise their own guidance and procedures in many areas; and it would limit the potential for improving the efficiency and effectiveness of surveillance camera systems both for users and for the purposes of the prevention of crime and the detection and prosecution of criminals.

Option 2 Develop and Publish a self-regulating Code of Practice to be monitored by a Surveillance Camera Commissioner.

The Government proposes to develop and publish a Code of Practice governing the use of surveillance camera systems and to appoint a Surveillance Camera Commissioner to promote and monitor it.

The role of the Surveillance Camera Commissioner will be to promote adoption of the code, monitor its impact and provide advice about it to interested parties. He will independently assess the effectiveness of the code in achieving its objectives, reporting annually on this to Ministers. For the purposes of this Impact Assessment, it has been assumed that the existing interim CCTV Regulator would have remained in post if the Do Nothing option were selected. Therefore it is not anticipated that any significant further costs will result from deciding to create a statutory post of Commissioner.

Development of a new Code will provide the overarching framework for moving to a consensus on the approach to surveillance camera technology. Where possible the code will draw on existing examples of national or locally developed good practice. It will also seek to address existing gaps or contradictions in current practice and guidance, with the aim of achieving a comprehensive document for both users and subjects of surveillance cameras. The code will be drawn up in consultation with interested parties.

While initially only local authorities and police forces will have a statutory duty to have regard to the Code in their use of surveillance camera systems, we hope that the Code will be widely adopted as the standard for such operations. If so, this will form the foundation for achieving greater overall consistency in the approach to the use of CCTV and similar applications.

The precise content of the Code is not yet determined and is the subject of initial public consultation. There are a number of issues which it may be beneficial to cover including for example

- Pre-installation considerations (including impact assessments and public consultation)
- Improving transparency – (e.g. signage and publication schemes)
- Development of common standards (British Industry or similar) – both for equipment and for operation
- Operator training requirements
- Viewing, collection, retention and use of images (data protection issues)
- Data sharing controls
- Evaluation of the effectiveness of existing systems
- Complaints procedures

This is not intended to be a prescriptive or exhaustive list. The degree to which users already take these factors into account or comply with existing good practice in such areas will dictate the extent of any change necessary to comply with a new code in full and the respective cost or organisational impacts. We expect that with an incremental approach, and seeking to realise benefits from technological or procedural improvements, new burdens may be minimised or absorbed within expected normal business costs.

E. APPRAISAL (COSTS AND BENEFITS)

GENERAL ASSUMPTIONS AND DATA

- An interim CCTV regulator was appointed for one year at the end of 2009 (this regulator is also the Forensic Regulator and therefore regulates CCTV on a part-time basis). A budget of up to £250k was set aside for the costs of the interim CCTV regulator, support staff, and public consultation over 2011/12. It is intended that the interim CCTV Regulator will continue to act in this capacity for the purposes of continuity pending the enactment of the legislation and the creation of the statutory Surveillance Camera Commissioner post. Accordingly, it is anticipated that costs in relation to the new post and development of the Code of Practice will be in the same region as existing provision.
- It is assumed that the costs of transition towards a new voluntary Code of Practice can be borne as part of 'business as usual' costs and hence do not represent a significant additional burden to business.

F. RISKS

There is some possibility that the lack of enforcement powers and penalties for those operators falling short of or failing to adopt recommended good practice or standards will limit the impact and effectiveness of the code and fail to significantly raise public confidence in the current system. However, the legislation does allow for additional bodies to be made (by Order) subject to the requirement to have regard to the code. Any such extension would be the subject of consultation with the bodies affected and a specific impact assessment.

G. ENFORCEMENT

The proposals assume self regulation to a large degree. However, local authorities and the police will be required to have regard to the Code, and the new Surveillance Camera Commissioner will monitor and report on progress against the Code.

H. SUMMARY AND RECOMMENDATIONS

Overall the preferred option is expected to be cost neutral. Where users are already adopting good practice any adjustments are likely to be minor and may result in cost savings. Where expenditure might be required – for example on training or new equipment it will be open to users to pace any such expenditure as necessary to absorb it within normal running or replacement costs.

I. IMPLEMENTATION

The Implementation timetable will be dependent on the passage of the Protection of Freedoms Bill. This will be introduced in February and subject to approval is expected to become law by March 2012.

J. MONITORING AND EVALUATION

The monitoring and evaluation of the effectiveness of the Code will be the role of the new Surveillance Camera Commissioner who will report to Ministers and will keep progress under review.

K. FEEDBACK

A public consultation on the development of the Code of Practice will be undertaken launching in after introduction of the Bill so that all those affected by the policy will have an opportunity to feed in their views and help shape the Code. There will be further consultation on the development of the code itself and Parliament will scrutinise the new code.

When the policy is formally reviewed in 2016 seeking feedback from those affected by the policy will be an integral part of the process.

L. SPECIFIC IMPACT TESTS

See Annex 2.

ANNEXES

Annex 1 should be used to set out the Post Implementation Review Plan as detailed below. Further annexes may be added to provide further information about non-monetary costs and benefits from Specific Impact Tests, if relevant to an overall understanding of policy options.

ANNEX 1: POST IMPLEMENTATION REVIEW (PIR) PLAN

A PIR should be undertaken, usually three to five years after implementation of the policy, but exceptionally a longer period may be more appropriate. A PIR should examine the extent to which the implemented regulations have achieved their objectives, assess their actual costs and benefits and identify whether they are having any unintended consequences. Please set out the PIR Plan as detailed below. If there is no plan to do a PIR please provide reasons below

Basis of the review: [The basis of the review could be statutory (forming part of the legislation), it could be to review existing policy or there could be a political commitment to review];

To assess the effectiveness of the new regulation on CCTV and ANPR. The goals for the further regulation of CCTV and ANPR were to ensure that:

The use of CCTV and ANPR:

- remains necessary and proportionate;
- systems are used in an efficient and effective way;
- standards of equipment are being raised; and
- use of systems receive public backing and support.

Review objective: [Is it intended as a proportionate check that regulation is operating as expected to tackle the problem of concern?; or as a wider exploration of the policy approach taken?; or as a link from policy objective to outcome?]

To ensure that the further regulation of CCTV and ANPR is delivering on the goals set out above.

Review approach and rationale: [e.g. describe here the review approach (in-depth evaluation, scope review of monitoring data, scan of stakeholder views, etc.) and the rationale that made choosing such an approach]

The review approach and rationale would be determined in part by the Surveillance Camera Commissioner in consultation with Ministers, but stakeholder views and feedback will be an integral part of the process of carrying out the review.

Baseline: [The current (baseline) position against which the change introduced by the legislation can be measured]

CCTV and ANPR have increased significantly in recent years in the absence of a specific regulatory framework.

<p>Success criteria: [Criteria showing achievement of the policy objectives as set out in the final impact assessment; criteria for modifying or replacing the policy if it does not achieve its objectives]</p> <ul style="list-style-type: none"> • Surveillance Camera Commissioner reports support for and adherence to a new Code • Improved mechanisms for dealing with complaints • Greater consistency in standards e.g. data retention periods • Improvement in the quality of data • Improved ease of recovery of data by police if required in investigations
<p>Monitoring information arrangements: [Provide further details of the planned/existing arrangements in place that will allow a systematic collection systematic collection of monitoring information for future policy review]</p> <p>As stated above, the monitoring and evaluation system, and its associated data collection requirements, will be decided by the new Surveillance Camera Commissioner. However, success criteria are likely to guide this.</p>
<p>Reasons for not planning a PIR: [If there is no plan to do a PIR please provide reasons here]</p> <p>N/A</p>

ANNEX 2. SPECIFIC IMPACT TESTS

STATUTORY EQUALITY DUTIES

Equality Impact Assessment

This policy has no impact on equalities issues.

ECONOMIC IMPACTS

Competition Assessment

This policy will not impact on competition.

Small Firms Impact Test

Initially, this policy will not impact on small businesses as the focus of regulation will be public space publicly owned CCTV. The requirement to have regard to the Code may be extended to other organisations, although this would not be done without consultation.

ENVIRONMENTAL IMPACTS

Greenhouse Gas Assessment

This policy has no impact on greenhouse gases.

Wider Environmental Issues

This policy has no impact on wider environmental issues.

SOCIAL IMPACTS

Health and Well-being

This policy has no impact on health and well-being.

Human Rights

One of the reasons behind the further regulation of CCTV and ANPR is the need to safeguard freedoms and protect civil liberties.

Justice

This policy has no impact on justice issues.

Rural Proofing

This policy is likely to have a greater impact on urban rather than rural areas as CCTV tends to be concentrated in urban areas.

SUSTAINABILITY

Sustainable Development

This policy has no impact on sustainability.

ANNEX 3: ORGANISATIONS BEING CONSULTED AS PART OF THE FORMAL PUBLIC CONSULTATION

Local Government Association
 Association of Chief Police Officers (ACPO)
 National Policing Improvement Agency (NPIA)
 General public
 Privacy International
 Equality and Human Rights Commission
 Liberty
 Big Brother Watch
 The Law Commission
 Academia
 Transport including Network Rail
 Class Watch
 Housing Associations
 British Retail Consortium
 Federation for Small Businesses
 Association of Convenience Stores
 Confederation of British Industry
 Small Shops Alliance
 Rural Shops Alliance
 Public Space CCTV Managers Association
 CCTV User Group
 Interim CCTV Regulator
 Audit Commission
 Information Commissioners Office
 Her Majesty's Inspector of Prisons
 Her Majesty's Inspector of Constabulary
 Office of the Surveillance Commissioner
 Chief Fire and Rescue Advisor
 OFCOM
 OFSTED

NSI (NACOS)
 SSAIB
 Skills for Justice
 Skills for Security
 Accreditation Bodies
 Home Office Scientific Development Branch
 British Security Industry Association
 Security Industry Authority
 British Standards Institution

(Footnotes)

¹Race, disability and gender Impact assessments are statutory requirements for relevant policies. Equality statutory requirements will be expanded 2011, once the Equality Bill comes into force. Statutory equality duties part of the Equality Bill apply to GB only. The Toolkit provides advice on statutory equality duties for public authorities with a remit in Northern Ireland.

