



12 May 2016

Dear ,

ATI 10374 – Freedom of information request – CCTV in local government

Thank you for your request which was received on 14 April. You asked:

Please can you tell me what support, guidance or legislation has been passed to regulate the use of CCTV in local councils in Wales.

The information you requested is enclosed.

Transport

Local authorities granted Civil Enforcement Powers may use cameras in their enforcement of parking, bus or moving traffic contraventions. Such cameras will have to comply with SI2013/360 “The Civil Enforcement of Road Traffic Contraventions (Approved Devices) (Wales) Order 2013. Where councils wish to use such devices these cameras/systems have to approved by the Vehicle Certification Agency prior to their use.

The Welsh Government has published guidance about Civil Enforcement and those mentioning CCTV are listed below and appear on Welsh Government website:

- Traffic Management Act 2004 Guidance on the certification of Approved Devices to local authorities on the Civil Enforcement of road traffic contraventions: bus lane, moving traffic contraventions and parking. February 2014.
- Traffic Management Act 2004 Statutory guidance to local authorities on the civil enforcement of bus lane and moving traffic contraventions. July 2014
- Traffic Management Act 2004 Civil Enforcement of Road Traffic Contraventions: Parking, Bus lane and moving traffic enforcement Operational guidance to local authorities. December 2014.



Learner travel

Welsh Government learner travel guidance does not go into detail about the use of CCTV on school transport as the provision on the use of CCTV within the Safety on Learner Transport (Wales) Measure 2011 has not been enacted and so no legislation concerning the installation and use of CCTV by local authorities has been brought forward.

In cases where local authorities have opted to install and use CCTV, the Learner Travel Statutory Provision and Operational Guidance 2014 (publicly available) highlights the importance of making learners and parents aware of the use of CCTV on school transport. The Guidance on Home to School Transport Risk Assessments 2009 provides a definition of CCTV and sets out how its use must comply with the Data Protection Act 1998 and that any equipment must be maintained in accordance with daily vehicle defect checks.

Planning

Permitted development rights were extended , from 3 June 1995, by Part 33 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (Statutory Instrument 1995 number 418) to include the installation, alteration or replacement on a building of a CCTV camera to be used for security purposes within specified limits on size and numbers. Up to four cameras are permitted on the same side of the building and up to 16 cameras on any one building, provided that they are at least 10 metres apart

Broadcasting of meetings

It may also be of interest to note that most county councils in Wales – and at least one National Park Authority – have equipment installed to enable the live webcasting of some of their meetings. Many of them regularly do this. Section 76 of the Draft Local Government (Wales) Bill, which was consulted on between November 2015 and February 2016, includes provisions which would make this a requirement for county councils in the future.

Non-devolved Guidance

The Surveillance Camera Commissioner works with the Home Office and has issued a Code of Practice for Local Authorities and other bodies using CCTV. Information on this can be found here:

<https://www.gov.uk/government/organisations/surveillance-camera-commissioner>

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response.

Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email: FreedomOfInformationOfficer@wales.gsi.gov.uk

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

Local Government Transformation and Partnerships Division