

Committee(s): Police Committee –For information	Date: 22 September 2016
Subject: Barbican CCTV Project	Public
Report of: The Town Clerk and Commissioner of Police Pol 44-16	For Information
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Summary

Members will be aware of an information report submitted by the then Assistant Director of Street Scene, Strategy and Community Safety to your Committee in March 2015, regarding the proposal to introduce 24 additional CCTV cameras to the Barbican Residential Estate. The installation of additional CCTV has been discussed previously at the Barbican Estate Security Sub-Committee and was not seen as necessary or proportionate. The March 2015 report referenced previous reviews as well as a series of isolated crimes occurring within the estate that identified a lack of camera coverage in that area. This prompted the proposal contained within the paper. The minutes of the March 2015 Committee meeting record the proposed installation of additional cameras, subject to a decision on Proceeds of Crime Act (POCA) funding by the Police POCA Board and for the project to move forward under the Ring of Steel Project.

The proposal was delegated to the Ring Steel Project, under the governance of the Ring of Steel Board, chaired by the Commander Operations, City of London Police. As part of this process due diligence was progressed to ensure its compliance with data protection regulations.

This included reference to the Information Commissioner's Office (ICO)¹ and the Surveillance Camera Commissioner (SCC)². To help organisations who embark on new projects that may affect people's privacy, the ICO provide a Privacy Impact Assessment (PIA) manual of guidance. The PIA is a template which organisations can use to conduct due diligence checks and this Assessment was duly completed as part of the process for this project along with a comprehensive consultation process.

Residents in the Barbican were consulted to identify whether they were in support of the project. 56% of respondents who replied stated that they welcomed the proposal whilst 37% either rejected it or had reservations (17% and 20% respectively). The remaining either needed more information or did not answer. Of all respondents however, 51% (including some of those who supported the proposal in question 1) documented reservations or objections to it.

City of London Police completed a crime profile analysis of the Barbican Residential area. This report concluded that over the period 2013-2016 the Barbican Residential area accounted for 0.8 % of all crimes reported to the City of London Police and 5%

¹ The ICO is a UK independent public body responsible for upholding information rights in the public interest and has powers of enforcement if breaches are detected.

² The SCC is a statutory body whose responsibility is to ensure compliance with the Surveillance Camera Code of Practice as set by the Home Office. The SCC achieves this by providing guidance and advice

of reports of anti-social behaviour. This is a small percentage compared to the large footprint of the Barbican Estate within the City boundaries. Additionally, against a backdrop of increased terrorism activity internationally, the Force Counter Terrorism section conducted a review of security and concluded that the Barbican Residential Estate (separate from the Barbican Centre) was not a high risk area in terms of being a crowded place, or Critical National Infrastructure site.

The Ring of Steel Project Board considered carefully the above profile and review, results of the consultation, plus the findings of the comprehensive PIA, and made the decision not to proceed with the proposal to introduce additional cameras. The main rationale being that in order to satisfy the legislative requirements of the Data Protection Act, there is neither evidence of 'pressing need' nor evidence that it would be proportionate to increase surveillance in the area. This decision was verbally agreed as being the correct one by the Surveillance Camera Commission.

Recommendation

It is recommended that members to note the report and current position relating to the installation of CCTV cameras in the Barbican area.

Main Report

Background

1. On 26 March 2015 a report was submitted to Police Committee by the then Assistant Director of Street Scene, Strategy and Community Safety, for information, titled 'Barbican Area CCTV' (Appendix 1). This report was subsequently submitted to Communities and Children Services; Housing Management & Almshouses Sub Committee; Residential Consultative Committee; Barbican Residential Committee and the Safer City Partnership a during April, May and June. The report provided information on a proposal to introduce 24 cameras to improve the CCTV coverage around the Barbican and Golden Lane Estates.
2. The March 2015 Report it states *'the issue of CCTV installation around the Barbican Estate has been discussed by the Barbican Estate Security Sub-committee previously over recent years. At that time, when previously considered, it was not seen as being required and equally there were concerns aired that there may be increases to the service charges for estate residents to pay for the installations. More recently however, in response to a number of reported incidents, a number of elected Members have asked for a review of CCTV requirements'*. It was the backdrop of previous discussions as well as a number of isolated reported crimes that set in motion the report submitted in March 2015. Both the City of London Corporation and City of London Police agreed in principle to the installation of the new cameras and both parties also agreed in principle to securing funding from the Proceeds of Crime Act.

3. The report, on which the agreement was based, focused on the benefits of CCTV coverage in the prevention and detection of crime. The report made clear that necessary advice would be sought to ensure that any installation was compliant with data protection legislation, but did not go into detail about this nor any potential challenge regarding the necessity or legality of the proposal.
4. The task of scoping and due diligence was delegated to the Ring of Steel Project of which the Ring of Steel Board had overall governance. This Board comprises senior officers of both the City of London Corporation and City of London Police. The proposal and subsequent work has been a collaborative effort, with the police providing the statistical analysis to support the overall decision.
5. The minutes of the March 2015 Police Committee meeting are included in Appendix 2. They record that Members considered a report which set out proposals to install an additional 24 cameras in the public walkways of the Barbican Estate, including Golden Lane. The Committee noted any bid for Proceeds of Crime Act (POCA) funding would need to be discussed at the next Police POCA Board and the Committee also discussed the maintenance costs of the cameras, which would be given consideration during the project. The Committee resolved to note the proposal, subject to agreement of POCA funding and that the project would be delivered as part of the Ring of Steel project.
6. Under the Ring of Steel Project Board, the detailed work to scope the original proposal started. Their initial aim was to ensure compliance with the Data Protection Act 1998, through completion of a Privacy Impact Assessment (PIA), achieved by assessing the crime pattern analysis and the Counter Terrorism risk assessment. A PIA uses a template provided by the Information Commissioner that ensures organisations properly assess the necessity of a new project and ensure that organisations focus their mind on privacy when planning new projects.
7. The Information Commissioner identifies projects such as '*a new surveillance system, (especially one that monitors members of the public)*', as being suitable for a PIA. Conducted early in the project planning stage, a PIA can help identify risk and ultimately reduce costs later down the line.
8. One of the key phases to a PIA is consultation, both internally with stakeholders and externally to those who would potentially be affected. Internally, this included those already involved in the project, and externally, residents and members of public who were likely to be affected by the proposal. The list of consultations for Professional Opinion include;
 - Home Office Centre for Applied Science and Technology (CAST)
 - English Heritage
 - Arup – the original designers of the Barbican Estate
 - Elected Members
 - Department of Built Environment, City of London Corporation
 - City of London Police Force Intelligence Bureau (Crime and Disorder Problem Profiles).

- City of London Police Counter Terrorism Security Advisors (Barbican Centre Security Advice).
 - City of London Police Data Protection Officer and Force Information Manager (Data Protection and Security Advice)
9. On 8 September 2016 Commander Richard Woolford met with interested Members to discuss the report conclusion.
 10. On 18 May 2015, a report was produced which detailed the comprehensive estate wide consultation process in relation to the proposals for CCTV on the estate (Appendix 3). The Resident Consultation Committee (RCC) and Barbican Association (BA) led the consultation process by linking residents to an online or paper survey which asked a number of probing questions. 453 residents replied to the survey request, the largest of any estate wide survey.
 11. Question 1 of the survey very simply asked residents for their view on the proposal. 56% of respondents replied stated that they welcomed the proposal whilst 37% either rejected it or had reservations (17% and 20% respectively). The remaining either needed more information or did not answer. Of all respondents however, 51% (including some of those who supported the proposal in question 1) documented reservations or objections to it.
 12. What was clear was that residents' objections focused on privacy issues and a lack of justification for the project. There was also concern raised about the impact cameras would have on the architecture and the effectiveness of safeguards against misuse of the system. The large percentage of respondents in favour cited personal safety and enhanced security as a reason for welcoming the project.
 13. The second important piece of work commissioned by the Project Board was to examine the Crime and Disorder Problem Profile, to understand and scrutinise the crime trends for the Estate. The report looked at crime and anti social behaviour rates over the past three financial years. The summary of the profile contained within the Privacy Impact Assessment states *'the total crime figure for the City of London is approximately 16513 over the last three years. There have been 134 crimes linked to the Barbican Estate, this equates to less than 0.8% of crimes reported over the last three years'*. In relation to anti-social behaviour (including instances such as loud music and skate boarding), the PIA concluded *'the reported level of anti-social behaviour is low, and over the three year period has been on average 5% of all reported instances that occurred within the City of London'*. It is important to point out that these crime rates relate to crimes committed within the Estate itself and not on the periphery. Periphery areas are already covered by existing CCTV systems, as well as the vast private network of CCTV cameras.
 14. The conclusion of this piece of work was that crime is consistently low within the Barbican Estate and that any justification for the introduction of additional surveillance could not be predicated against the need to reduce crime.

15. Running concurrently to the crime analysis report, officers were asked to complete a Counter Terrorism (CT) review of the Barbican Estate. There are two distinct areas within the Barbican for the purposes of CT risk. Firstly there is the Barbican Centre, which being classed as a crowded place, has a separate ongoing risk assessment in terms of mitigating features. A recent review of the Barbican Centre by the City of London Police Counter Terrorism Security Advisors (CTSA) made some recommendations, but none relevant to the CCTV proposal discussed in this report. The Barbican Centre runs its own CCTV system amongst other protective measures.
16. The second area is the Barbican Residential Estate and Walkways. This is the area that would benefit from the addition of CCTV cameras under the proposal discussed in this report. Historically, this has not been subject to CTSA review specifically because it is not classed as a crowded place or Critical National Infrastructure site as defined nationally.
17. In light of recent events in Paris and Nice, and to coincide with the work being done to document the Barbican CCTV proposals, a separate review was completed specifically considering the Barbican Residential Estate. The summary of this review states; *'in terms of current threat and targeting methodology the view remains that crowded places are both most likely and most vulnerable. The Barbican Estate, like other residential estates, does not fall within this definition and is, therefore, not considered to be at risk of terrorist attack. Therefore it is concluded that at this time there is no pressing CT need for CCTV within the Barbican Estate'*.
18. Therefore the conclusion is that there is no evidential basis that the installation of additional CCTV cameras in the Barbican Residential Estate can be justified against a CT risk.
19. For the information of Members, the City of London Corporation has commissioned a security strategy for the City of London Corporation's operational property assets which includes the Barbican Centre. The City of London Police has assisted the City Corporation in completing a security review of the Barbican Centre to feed into this review and have documented a number of recommendations. The City Corporation will be submitting a report proposing activity to enhance security of the Centre (including internal cameras) in due course. This is within the remit of the City Corporation only.
20. The results of the various strands of consultation were fed into the overarching PIA to inform the decision making around the direction of the project. The conclusion of the PIA showed that *'crime and disorder in the Barbican and Golden Lane estates is consistently low'*. The PIA asked a number of questions around the justification of the project. The PIA states *'the installation of a CCTV system would make a significant contribution to public safety in and around the Barbican and Golden Lane Estates, but on current levels of reported crime and disorder it cannot be justified and would not be an effective or proportionate response'*. It followed, *'on considering the current levels of Crime and Disorder there is no pressing need requiring the installation of this CCTV system'*. In relation to the CT threat and risk the PIA concluded, *'at this time there is no*

information to suggest that the Barbican and Golden Lane residential estates are significant locations’.

Current Position

21. The conclusion of the PIA is clear. The final recommendation states *‘that the City of London Police do not proceed with the installation of a CCTV system within the Barbican and Golden Lane estates’*. The Information Commissioner requests that the organisation ask the question *‘is there a pressing need’?* Based on the low crime levels it has been assessed that there is not a justifiable pressing need for the installation of this CCTV system.
22. The Surveillance Camera Commission (SCC) has been consulted verbally in relation to the work undertaken and has stated that City of London has followed all the current processes required by their office to ensure the correct usage of CCTV is adopted. They support the conclusion of the PIA and the decision not to go ahead with the project.
23. This document has been referred to the Comptroller and City Solicitor regarding its contents and accuracy who has indicated that he is content with the report and the conclusion within.
24. The City of London Police can, where required, respond to emerging issues of crime by increasing operational capacity or responding to incidents of crime in action through appropriate intelligence based tasking and direction. An example would be the reported sexual assault in 2015 around the City of London School for Girls. City of London Police was able to deploy covert assets to identify and arrest an offender who was subsequently convicted at court, resulting in that individual being placed on the Sex Offenders register for 5 years. This demonstrates that City of London Police can deploy normal policing methods in a justified way to respond to threat and risk as appropriate.
25. There is real risk associated to the introduction of CCTV surveillance against the recommendations and findings of the PIA. The Information Commissioner’s Office (ICO) has warned CCTV operators that *‘surveillance cameras must only be used as a necessary and proportionate response to a real and pressing problem, and that an organisation has taken action to reduce and prevent excessive use of CCTV Systems’*.
26. The ICO Code of Practice goes on to state, *‘surveillance camera systems operating in public places must always have a clearly defined purpose or purposes in pursuit of a legitimate aim and necessary to address a pressing need (or needs). Such a legitimate aim and pressing need might include national security, public safety, the economic well-being of the country, the prevention of disorder or crime, the protection of health or morals, or the protection of the rights and freedoms of others. That purpose (or purposes) should be capable of translation into clearly articulated objectives against which the ongoing requirement for operation or use of the systems and any images or other information obtained can be assessed.’* *‘The fact that it is possible, affordable or has public support should not be the justification for processing personal data,*

you should also take into account the nature of the problem you are trying to address’.

27. The conclusion of the PIA found that there is no pressing need or legitimate aim and therefore any installation of additional cameras may provoke a challenge in relation to the ICO guidance. By virtue of S.33(1) Protection of Freedoms Act 2012 the City of London Corporation, as a Police Authority, must have regard to the surveillance camera code when exercising any functions to which the code relates. Furthermore there are several residents who have already stated that they are against the proposals for privacy reasons.
28. For further context, there is a stated case in Royston, Hertfordshire whereby the local authority and police embarked on an Automatic Number Plate Recognition (ANPR) project. The ANPR cameras were installed to record every vehicle entering Royston as part of an initiative to reduce crime and improve security. The ICO investigated Hertfordshire Constabulary to ensure that the measure was justified by a real and pressing need to monitor people’s activity to reduce crime. The result was that there was not and an enforcement notice was served by the ICO, resulting in the reduction of scope of the ANPR project at cost to the originator.
29. The risk of proceeding with a project the scope of which could be challenged has obvious financial repercussions, as well as the reputational damage it could cause to City of London Police, City Corporation and the Ring of Steel Project, with its international reach.

Conclusion

30. It is the decision of the Ring of Steel Board that the proposal to commission additional CCTV cameras to the public walkways of the Barbican Residential estate and the Golden Lane estate cannot be supported. This is as a result of the due diligence in line with the ICO and SCC guidelines, the crime profile analysis, CT risk assessment and a number of consultation exercises, examining the public opinion. The overwhelming conclusion fed into the Privacy Impact Assessment is that there is not sufficient justification of a *‘problem that needs addressing’* in order to comply with the SCC and Information Commissioner’s guidance on the introduction of surveillance systems.

Appendices

- Appendix 1 - March 2015 Police Committee Report
- Appendix 2 - March 2015 Police Committee Minutes
- Appendix 3 - Residential Survey results