



9.1 PUBLIC PLACES CLOSED CIRCUIT TELEVISION (CCTV) POLICY

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1. PURPOSE

- 1.1 To present the Public Place Closed-Circuit Television (CCTV) Policy (Attachment 1) to Council seeking adoption.

2. EXECUTIVE SUMMARY

- 2.1 Direction 1 of the City of Port Phillip Council Plan 2017-2027 articulates that Council is working towards a 'Safe and active community with strong social connections'.
- 2.2 The Community Safety Plan, which takes a holistic, multifaceted approach to community safety was adopted at the Council meeting of 4 September 2019.
- 2.3 A motion accompanying the adoption of the Community Safety Plan requested the development of a policy for CCTV in public places for future Council consideration.
- 2.4 The intention of the proposed Public Place CCTV Policy is to support Council decision making in relation to any future proposals for the application of CCTV in public places within the City of Port Phillip.
- 2.5 The policy provides guiding principles for future decision making as to whether a public CCTV application is appropriate or not.

3. RECOMMENDATION

That Council:

- 3.1 Adopts the Public Place Closed-Circuit Television (CCTV) Policy (Attachment 1).
- 3.2 Delegates authority to the Chief Executive Officer to make amendments to Policy to correct any minor drafting errors that do not materially alter the intent.
- 3.3 Designs and implements future street work improvements in accordance with Crime Prevention Through Environmental Design (CPTED) principles that consider how physical public space can improve both perceptions of safety and reduce opportunistic crime.

4. KEY POINTS/ISSUES

- 4.1 The Public Place CCTV Policy is underpinned by the premise that safety is a fundamental human right and is essential to the wellbeing of community.

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- 4.2 The Community Safety Plan, which takes a holistic, multifaceted approach to community safety was adopted at the Ordinary Council meeting 4 September 2019.
- 4.3 A motion accompanying the adoption of the Community Safety Plan requested the development of a policy for CCTV in public places for future Council consideration.
- 4.4 The intention of the proposed Public Place CCTV Policy is to support Council decision making in relation to the introduction, extension and renewal of CCTV in public places. The policy presents guiding principles to govern how Council will determine whether a public CCTV application is appropriate.
- 4.5 The scope of the proposed policy is restricted to public place CCTV systems within the municipal boundaries of the City of Port Phillip. This policy does not inform the role or placement of corporate (organisational) CCTV cameras; camera that are situated on or around Council owned properties and infrastructure or cameras owned by Victoria Police, private organisations, residents and alike.
- 4.6 The public place CCTV systems and associated infrastructure identified in this policy is owned by Council and exclusively operated by Victoria Police under conditions outlined in the Memorandum of Understanding. System infrastructure for surveillance, transmission, recording, viewing, storing of data is not available to third party surveillance programs or community based CCTV networks.
- 4.7 The Policy incorporates eight principles relevant to CCTV decision making. These are 1) safe design, 2) funding, 3) informed decision making, 4) Victoria police endorsement, 5) policies, operating procedures and agreements, 6) location and design planning, 7) ethics and privacy and 8) communications.
- 4.8 The Public Place CCTV Policy draws upon state government research and guidance in relation to the public use of surveillance devices. This includes the findings of the Victorian Attorney General's Office (VAGO) "Surveillance Technologies in Public Places" report (Attachment 2), based upon five local government projects, and the Commission for Privacy and Data Protection (CPDP) "Guidelines to surveillance and privacy in the Victorian public sector 2017" (Attachment 3).
- 4.9 In keeping with VAGO and CPDP findings and advice, the City of Port Phillip CCTV in Public Places Policy will: -
 - 4.9.1 Ensure that new or extended CCTV systems in Port Phillip be necessary and proportionate to a clearly identified need;
 - 4.9.2 Be assessed for all potential impacts on the privacy of individuals and data security and demonstrate clear consideration of the relevant information privacy principles has occurred prior to decision making;
 - 4.9.3 Be governed by policies, operating procedures and agreements;
 - 4.9.4 Ensure reasonable steps are taken to make people aware that surveillance devices are planned for, and in use in a public place. Signage and tailored information on the use of surveillance systems must be easily accessible to the community; and



- 4.9.5 Establish a comprehensive process for assessing and deciding on whether to install surveillance devices in public places.
- 4.10 At the time of this report the City of Port Phillip has four Public Place CCTV Systems operating or under development.
- 4.11 On 11 August 2015 Council endorsed a motion to install, maintain and evaluate up to ten cameras as part of a high definition CCTV surveillance system on Fitzroy Street for a trial period of two years. The Fitzroy Street CCTV program was part of a suite of crime prevention, streetscape renewal and village activation strategies.
- 4.12 On 4 April 2018, Council accepted additional funds from the Victorian State Government, Department of Health and Human Services, for the design and installation of a Public CCTV system in the Grey Street St Kilda precinct.
- 4.13 On 16 May 2018 Council accepted the Victorian Government offer for funding the installation of CCTV for the St Kilda foreshore with a revised resolution on 16 August 2018 that Council meet project management and maintenance costs for this installation.
- 4.14 On the 5 December 2018, Council accepted funds from the Victorian State Government for the design and installation of a public CCTV system for across Acland Street and the entertainment precincts encompassing the National and Palais theatres.
- 4.15 On the 14 October 2019, Council was successful in receiving funding from the State Government's Public Safety Infrastructure Fund to extend the Acland Street CCTV system to incorporate an additional two cameras.
- 4.16 CCTV decision making within an existing defined surveillance precinct will be determined through the delegated authority of the Chief Executive Officer.
- 4.17 Delegated decision making will include relocation and removal of cameras within that precinct based on advice from Victoria Police.
- 4.18 The addition of cameras into a precinct can occur under delegated authority of the CEO only if the additional cameras were within the scope originally approved by Council for that precinct.
- 4.19 CCTV decision making around a newly proposed CCTV precinct, extension of existing precincts and the addition of new cameras within a precinct that were not in the initial scope can only be determined by Council via a meeting of the Council.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 The Fitzroy Street CCTV evaluation included intercept survey of 144 residents, local traders and visitors to Fitzroy, Grey and Little Grey Streets, St Kilda. Specific questions asking peoples' opinion of CCTV were included in the survey. Respondents were approached at different times of the day over four sessions.
- 5.2 The Community Safety Plan was developed in consultation with community members, local traders, Victoria Police, community service organisations, government agencies and internal staff. and via the 'Have Your Say' website.



- 5.3 The Community Safety Plan articulates that the use of CCTV must be balanced with evidence for need, appropriateness of location and citizen's privacy. The City applies safer design principles along with a partnership response before considering CCTV.
- 5.4 Consultation has taken place via key informant interviews with a range of stakeholders including:
 - a) Victorian Police
 - b) Local traders
 - c) Residents
- 5.5 The draft Public Place CCTV policy was also presented to the internal Community Safety Steering Committee meeting on the 18 October 2019. One of the functions of the Committee is to oversee the integrity of the public CCTV systems in the municipality.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 Council has an obligation to effectively manage public spaces in its jurisdiction and to balance the various uses and opportunities with public safety considerations.
- 6.2 Council has an obligation to consider how the management of public space might impact adjoining private land such as commercial and/or residential areas. Failure to do this may result in actions being brought against Council.
- 6.3 Antisocial behaviour and incidents of crime can impact on the reputation of the City and increases negative perceptions of safety. Council investment in Public Place CCTV systems assist Victoria police response
- 6.4 Council has met its obligations under relevant legislation including the *Privacy Act 1988* and *Charter of Human Rights and Responsibilities Act 2006*.
- 6.5 The use of the existing Public place CCTV systems is governed by a Memorandum of Understanding with Victoria Police to ensure the integrity of the system and that data access remains in keeping with privacy laws.

7. FINANCIAL IMPACT

- 7.1 Whilst the Victorian Government may contribute to initial funding for the installation of CCTV Council must meet the cost of maintenance and servicing of CCTV equipment.
- 7.2 Over the next 3 years maintenance costs are estimated to be \$88,500 for the 4 systems, while third party lease agreements were \$20,100. To date, the total cost to Council is estimated to be \$108,600. These maintenance costs were unbudgeted.
- 7.3 As CCTV technology is rapidly changing the costs associated with updating systems must be considered as new technology becomes available.
- 7.4 The proposed Public Place CCTV Policy recognises that the prevention and investigation of crime is not a Council responsibility therefore Council will not independently fund public place CCTV systems.
- 7.5 Council accept the responsibility for owning, managing, maintaining and licencing each public places CCTV precinct based system for its functional life.



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- 7.6 Victoria Police use the information gathered through the CCTV system within existing policing commitments. Victoria Police monitor the cameras when resources and prioritise permit under the existing policing resources.
- 7.7 It should be anticipated that future investment in state or federal government CCTV partnerships would include the requirement of a co-contribution from Council. For example, Crime Prevention Victoria Public Safety Infrastructure Grants require a minimum of 20% co-contribution.

8. ENVIRONMENTAL IMPACT

- 8.1 The digital CCTV system has low environmental impact.
- 8.2 Design and Planning Principles note that where possible, Council will seek to minimise the impact CCTV locations on significant trees and the tree canopy.

9. COMMUNITY IMPACT

- 9.1 The Fitzroy and Little Grey Street CCTV Final Evaluation Report indicated that criminal activity had reduced by 58% in Fitzroy Street and the surrounding neighbourhood since the introduction of the CCTV system in 2016 (Crime Statistics Agency, April 2019).
- 9.2 The CCTV system has had a positive impact in addressing traders' concerns in relation to antisocial behaviour which they believe is having a negative effect precinct vitality and trade.
- 9.3 Police have reported that the CCTV systems have improved the way police prevent and respond to crime.

SOCIAL IMPACT

- 9.4 While CCTV in public places can impact positively upon people's perceptions of safety, poor planning about the location of cameras can impact on personal privacy.
- 9.5 The Public Place CCTV Policy incorporates principles around ethics and privacy as well as ensuring any future planning for CCTV cameras are clearly communicated with residents.
- 9.6 Principles consider the privacy aspects of CCTV.

ECONOMIC IMPACT

- 9.7 The Public Place CCTV Policy recognises that funding public place CCTV systems is a state or federal government responsibility whilst acknowledging the ratepayer contribution required for maintenance and servicing of the cameras.
- 9.8 Public places CCTV systems will only be progressed by Council when State or Federal funding has been achieved and proposed outcomes meet the intention of all required guiding principles of the Public Place CCTV Policy.

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 10.1 Direction 1 of the City of Port Phillip Council Plan 2017-2027 articulates that Council is working towards a 'Safe and active community with strong social connections'. This report presents Council with the proposed Public Place Closed-Circuit Television (CCTV) Policy.



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- 10.2 A key objective of the Health and Wellbeing Implementation Strategy is to ensure Council's planning of natural and built form are informed by land use and design principles that contribute to community safety.
- 10.3 The Community Safety Plan, which takes a holistic, multifaceted approach to community safety with the Plan priorities being: -
- a. Creating Safe Spaces
 - b. Building Resilience
 - c. Living Healthy

11. IMPLEMENTATION STRATEGY

11.1 TIMELINE

- 11.1.1 The Public Place Closed-Circuit Television (CCTV) Policy is effective immediately upon adoption.

11.2 COMMUNICATION

- 11.2.1 The Public Place Closed-Circuit Television (CCTV) Policy will be published online via the City of Port Phillip website.

12. OFFICER DIRECT OR INDIRECT INTEREST

- 12.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

TRIM FILE NO: 80/04/09

ATTACHMENTS

1. CoPP Public Place CCTV Policy - December 4 2019
2. VAGO-Surveillance-Technologies-in-Public-Places_0pzZx7WQ
3. Guidelines-to-surveillance-and-privacy-in-the-Victorian-public-sector