



# Public Place Closed Circuit Television (CCTV) Policy

City of Port Phillip

VERSION 1.2

Updated August 2023



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## Public Place Closed-Circuit Television (CCTV) Policy

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Responsible service/department:

Community Wellbeing and Inclusion

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Authorised Officer:

General Manager, Community Wellbeing and Inclusion

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Authorised by:

Council

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Content Manager file #:

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Approval date

2 August 2023

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Expiry date

Council resolved on 7 May 2025 that this document will expire November 2027

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Version number

1.2

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Associated to Strategic Direction#

Liveable Port Phillip - A great place to live, where our community has access to high quality public spaces, development and growth are well-managed, and it is safer and easy to connect and travel within.

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## 1. Intent

The intent of this policy is to provide direction for Council's decision making process in relation to the proposed installation of Closed Circuit Television (CCTV) systems in public places (as defined). The policy presents guiding principles to govern how Council will approach safety in public places in the determination of whether a public CCTV application is appropriate for approved implementation. This policy works in conjunction with Council's Memorandum of Understanding with Victoria Police which establishes an agreed intention to:

- enhance public safety;
- positively influence police operations to reduce and responds to crime;
- enable investigative avenues for crime or offences that are committed and captured on CCTV cameras;
- improve the perception of safety within priority areas;
- improve the vibrancy and appeal of identified precincts;
- reduce crime;
- reduce antisocial behaviour;
- reduce the cost and impact of crime on the community;
- assist with the allocation and deployment of law enforcement resources.

## 2. Definitions

CCTV System	<p>A surveillance system in which a number of cameras are connected through a closed circuit. The footage taken by the camera is sent via a transmission system to a television monitor or recorder located with Victoria Police. CCTV systems consist of cameras, monitors, recorders, interconnecting hardware and support infrastructure.</p> <p>(Source: closed circuit television in public places – Guidelines Vic. Ombudsman Nov 2012)</p>
Crime Prevention Through Environment Design (CPTED)	<p>This approach uses the design of the environment to discourage criminal activity by ensuring there is more chance for offenders to be seen, challenged or caught; reducing opportunities for criminal activity and creating the impression that more effort is required to commit a crime, with limited rewards. This can also be referred to as ‘safety by design’ or ‘designing out crime’.</p>
Public Place	<p>For the purpose of this Policy, a public place is defined as “any place to which the public have access to by right or by invitation, whether expressed or implied, and whether or not a charge is made for admission to the place.” A ‘public place’ does not include a private place.</p> <p>Source: Guide to Developing CCTV for Public Safety in Victoria. Victorian State Government – June 2018)</p> <p><i>A public place can include, but is not limited to, public street, public parks, public transport, railway stations, shopping centres, sports and recreation centres grounds, public schools, public halls, libraries, government buildings and office reception areas.</i></p>

## 3. Scope

The scope of this 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; cameras that are situated on or around Council owned properties and infrastructure or cameras owned by Victoria Police, private organisations or residents. 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. Objectives

The Public Place Closed-Circuit Television Policy intends to achieve the following objectives:

- To positively influence safety in City of Port Phillip;
- To inform Council decision making in response to requests for CCTV in public spaces; and
- To establish an agreed set of principles that inform the delivery of public place CCTV systems in the City of Port Phillip.

## 5. Policy Drivers

The Public Place CCTV Policy draws upon state government research and guidance in relation to the public use of surveillance devices. The findings of the Victorian Attorney General's Office (VAGO) "Surveillance Technologies in Public Places" report, based upon five local government projects, recommends there be a comprehensive process for assessment and decision making around surveillance devices in public places". Similarly, the Commission for Privacy and Data Protection (CPDP) "Guidelines to surveillance and privacy in the Victorian public sector 2017" asserts that public surveillance can impinge upon individuals' privacy if the appropriate steps are not taken to uphold this right.

In keeping with VAGO and CPDP findings and advice, the Public Place Closed-Circuit Television (CCTV) Policy will

- ensure that new or extended CCTV systems in Port Phillip be necessary and proportionate to a clearly identified need;
- 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;
- be governed by policies, operating procedures and agreements;
- ensure reasonable steps are taken to make people aware that surveillance devices are planned for and in use in a public place including signage and tailored information on the use of surveillance systems being easily accessible to the community;
- Establish a comprehensive process for assessing and deciding on whether to install surveillance devices in public places;
- Establish a distinction between Council's decision making authority for new public place CCTV systems and delegated officer authority for the review, upkeep, upgrade and renewal of existing CCTV precincts.

## 6. Safe Design Assumption

This policy is underpinned by the assumption that Crime Prevention Through Environmental Design (CPTED) measures are considerably effective in reducing crime rates. Within this policy, CPTED remains Council's primary methodology for identification and response to community safety concerns. For CCTV to be considered as an additional safe design mechanism it must:

- Respond to high statistical evidence of crime (or sustained antisocial behaviour) in an identified area based upon crime statistics and / or Council's Community Request Management System;
- Complement crime prevention strategies already engaged;
- Strongly support police response to criminal behaviour; and
- Be capable of improving identified low perceptions of safety within a designated neighbourhood.

## 7. Public Place Closed-Circuit Television (CCTV) Guiding Principles

### 7.1 Safe Design

This policy is underpinned by the assumption that Crime Prevention Through Environmental Design (CPTED) measures are considerably effective in reducing crime rates. Within this policy, CPTED remains Council's primary methodology for identification and response to community safety concerns.

#### **Safe Design Principles**

- For CCTV to be considered it must respond to high statistical evidence of crime (or sustained antisocial behaviour) in an identified area based upon crime statistics and / or Council's Community Request Management System.
- CCTV will not be a first option response for Council and instead must complement existing and proposed crime prevention strategies.
- CCTV must be proportional in response to identified criminal behaviour
- CCTV must have a clear role in improving identified safety risks within a designated neighbourhood.

### 7.2 Funding

Council recognises the value of crime prevention and public safety partnerships with the Victorian and / or the Australian Governments.

This policy is built on the premise that prevention and investigation of crime is the sole responsibility of Victoria Police. Additionally, the federal government's commitment to a safe Australia fosters some opportunities for nationally funded safety enhancements in public settings.

## **Funding principles**

- The prevention and investigation of crime is not a Council responsibility.
- Funding public place CCTV systems is a shared responsibility of state and federal government.
- Public place CCTV systems will progress when state or federal funding has been provided and proposed outcomes meet the intention of all required guiding principles contained in this policy.
- In accepting funds for future public place CCTV systems Council understands that CCTV cameras and associated equipment has a functional lifespan.
- Council will continue to work with funding bodies to advocate for the necessary funds to support equipment renewal and upgrade.
- Council accepts the responsibility for owning, managing, maintaining and licensing each public place CCTV precinct based system for its functional life
- In seeking external funds for public places CCTV systems,
  - a. Council will have considered all conditions in regard to minimum and co-contribution, non-infrastructure costs, design costs, project management, community consultation, evaluation, legal and administrative costs, planning permits or fees, camera licences and audit services.
  - b. Council will accommodate requirements around a minimum co-contribution to the project and accept responsibility for co-contributions of funds and in-kind support as determined by the funding guidelines.
- Where external funding is not forthcoming and where deemed necessary for community safety Council can consider funding full or partial costs associated with relocation, removal, upgrade, replacement of cameras and associated equipment.
- In seeking Council funds for public places CCTV systems, appropriate approval processes will be adhered to including project management and budget authorisation requirements.
- In a situation where state and federal government seek to determine public place CCTV outcomes for the City, Council will
  - a. Continue to base decision making on all guiding principles,
  - b. Expect that all project infrastructure and delivery costs are met by the funding body.

## **7.3 Informed decision making**

It is Council's intent to make informed decisions about whether CCTV is suitable within a public place. Informed decisions will be based on crime data analysis, safety audit findings, community feedback and other relevant information as determined relevant.



CCTV decision making within an existing defined surveillance precinct will be determined through the delegated authority of the Chief Executive Officer. Delegated decision making will include relocation, removal, upgrade, replacement or addition of cameras and associated equipment within that precinct based on advice from Victoria Police. The addition of cameras into a precinct can occur under delegated authority of the CEO if the additional cameras remain within the scope originally approved by Council for that precinct and is largely externally funded.

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.

### **Informed decision making principles**

- Council Public CCTV systems will be located in clearly defined precincts.
- Decision making in regard to CCTV removal, upgrade, replacement or relocation or addition of cameras and associated equipment within an existing precinct will be determined through the delegated authority of the Chief Executive Officer within normal Council budget and project management approval processes.
- Decision making around new CCTV precincts, extension of existing precincts and the addition of new cameras within a precinct that were not in the initial scope will be determined by Council via a meeting of the Council.
- Chief Executive Officer and/or Council decisions about whether CCTV is suitable within a given area will be based upon data analysis, statistics, expert advice and CPTED principles.

## **7.4 Victoria Police endorsement**

Council recognises that prevention and investigation of crime in the City of Port Phillip is the sole responsibility of Victoria Police. Therefore, under this policy, Council owned public places CCTV systems will only be implemented in partnership with the Victoria Police as a joint effort to maximise community safety and reduce crime. Victoria Police will play a lead role in supporting an evidence base for public place CCTV, this will include leading advice on camera location. Victoria police will also take sole ownership and responsibility for surveillance data.

### **Victoria police endorsement principles**

- Council will work in partnership with Victoria Police to ensure the public place CCTV system remains tailored and adaptable in response to criminal activity.
- Access to CCTV storage systems and footage is restricted to Victoria Police.
- Victoria Police will support an evidence base for public places CCTV.
- Police advice will determine all public place CCTV camera locations.

## 7.5 Policies, operating procedures and agreements

In progressing Public Place CCTV systems Council will ensure policies, operating procedures and agreements are established with Victoria Police to ensure that all Victoria police officers involved in the program will be aware of their individual obligations and understand how the information captured by surveillance activities should be handled.

### **Policies, operating procedures and agreement principles**

- Council will maintain a Memorandum of Understanding, Code of Practice and Standard Operating Procedures with Victoria Police governing the management of the Public Place CCTV System within the CCTV precinct. The MOU will purpose of the objectives and responsibilities of both Victoria Police and Council in relation to public surveillance program including:
  - a. what information is collected and how it is used and stored
  - b. who is permitted to access the information
  - c. roles that are responsible for the management of surveillance activities
  - d. protocols to be followed for ensuring the security of information
  - e. clarity around how long the information will be retained
  - f. relevant legislation that governs the surveillance program
  - g. nominated contact is within the organisation, should staff or members of the public have questions about the program, processes for receiving complaints and managing privacy breaches.

## 7.6 Location and Design Planning

Council recognises that Crime Prevention Through Environmental Design principles can positively influence crime rates and increase public perceptions of safety. For example, improved sightlines within an open space can decrease the likelihood of crime in that area. The Public Place CCTV Policy adopts the premise that CCTV implementation will only be considered in conjunction with, and after, the determination a holistic design response to safety.

Public Place CCTV systems will be located in clearly defined precincts with proposed camera locations presented to Council as part of the formal decision making process. Approved cameras that may be unfunded in any funding round can be added at a later stage through the delegated authority of the Chief Executive Officer.

Precinct locations are presented as Addendum 1.

Planning for the implementation of public place CCTV systems will be transparent and with the best interests of all members of the Port Phillip community in mind. Council will consider the impact of CCTV infrastructure on privacy, the aesthetic of the area and the natural environment.

## **Location and design planning principles**

- Council will respond to matters that enhance safety of community, however, it will not consider individual community requests for public place CCTV applications in a particular area.
- Public Place CCTV systems will be located in clearly defined precincts with proposed camera locations presented to Council as part of the formal decision making process.
- Cameras approved within a precinct that are not installed due to funding shortfall may be added at a later stage through the delegated authority of the CEO.
- CCTV implementation will only be considered in conjunction with and after the determination of a holistic design response to safety.
- A strategic approach to CCTV implementation, and renewal will be applied through Council's Public Space Portfolio Asset Management Plan.
- Any surveillance response must be deemed proportionate to the presenting issues and remain consistent with applicable laws.
- The surveillance area must be identified and supported by Victoria Police as an area with significant and sustained criminal and or antisocial behaviour that is measurable through crime statistics or other verifiable data.
- For public place CCTV systems to be considered, a community safety audit must have occurred involving stakeholders which include Victoria Police, residents, traders, community services organisations and businesses. Also, a safety audit action plan will have been implemented and evaluated.
- Camera locations will be guided by the advice of Victoria Police and CCTV design and privacy experts in order to maximise surveillance priorities and minimise impact on community.
- Where possible, Council will seek to minimise the impact CCTV locations on significant trees and the tree canopy in keeping with the intent of the Greening Port Phillip Strategy 2010.
- Council will consider design aesthetic in the delivery of CCTV infrastructure in the urban setting.
- Council will maintain a public place CCTV asset register that records camera type, camera location, camera view and anticipated renewal date.
- CCTV infrastructure will be designed to minimise materials and energy use.
- CCTV infrastructure will be co-located with other infrastructure where feasible and materials will be recycled at end-of-life.

## **7.7 Ethics and Privacy**

The notion of surveillance can present issues around the personal and community right to privacy. Subject to common law, statutory law and ethical guidelines, Council acknowledges that it is essential to uphold privacy of the community when considering, designing and operating public place CCTV systems. Council

owned public place CCTV systems will be used in an ethical manner that respects the privacy of all individuals who reside in, or visit the City of Port Phillip.

## **Privacy principles**

- Council will work with Victoria Police, CCTV and privacy experts to directly assess the potential privacy impacts of all design proposals for public place CCTV systems.
- CCTV will be planned and implemented in a manner compliant with ethical and legal obligations.
- Council will take reasonable steps to ensure people are aware that surveillance devices are in use.
- Council will work with Victoria Police to ensure that camera locations, and default resting positions, do not impinge sightlines to private property or sensitive settings.
- All active CCTV settings will be identified within the Memorandum of Understanding (MOU) with Victoria Police
- An MOU will be maintained with Victoria Police to ensure controls are in place around: -
  - Access to surveillance footage and records;
  - Detection and deterrence of security breaches; and
  - Freedom of Information (FOI) requests.

## **7.8 Communications**

Planned CCTV projects within particular areas may impact residents of those areas. It is therefore important for Council to inform community members that may be affected by proposed public place CCTV systems. Any prospective CCTV project that involves situating CCTV cameras nearby residential properties requires Council and Victoria Police to maintain clear lines of communication with community.

## **Communication principles**

- Council will formally communicate by mail with all residents within 50 meters radius of a proposed public surveillance precinct in regard to Council's intention to install a public place CCTV system.
- Council will work with Victoria Police, CCTV and privacy experts to ensure neighbourhood amenity, privacy and other sensitivities are considered at the design stage.
- Council will work with Victoria Police to respond to community concerns in relation to the impact of camera locations on residential settings.
- Public CCTV zones will be clearly identified with permanent public signage.
- CCTV policies will be available on the City of Port Phillip's website.
- Minutes of decisions of Council on CCTV are available on City of Port Phillip's website.
- Camera locations (actual and proposed) can be viewed via the City of Port Phillip's website.
- Periodical updates of CCTV project's progressions are available via the website.

## Addendum 1.

### City of Port Phillip Public Place CCTV systems

There are currently 42 cameras covering four precincts.

Precinct	
Fitzroy Street	The Fitzroy Street Precinct is identified as encompassing Fitzroy Street between Grey Street to Beaconsfield Parade. The precinct does not include cameras in side streets or on Fitzroy Street north of Grey Street.
Little Grey Street	The Little Grey Street Precinct is identified as the area running south along Grey Street from Fitzroy Street to Burnett Street, east from Burnett Street to Princes Street and north from Princes Street to Fitzroy Street.
St Kilda Foreshore	The St Kilda Foreshore system is a completed system situated between the northern corner of the Sea Bath buildings to Shakespeare Grove on the western side of Beaconsfield Parade.
Acland Street and Entertainment Precinct	The Acland Street and Entertainment CCTV Precinct includes the upper Esplanade from Cavell St, Shakespeare Grove, Acland Street between Barkly and Clyde Streets, Barkly Street between Acland and Talbot Reserve and Carlisle Street from Cavell Street to Barkly Street.

