

TEWKESBURY BOROUGH COUNCIL

Report to:	Overview and Scrutiny Committee
Date of Meeting:	28 March 2023
Subject:	Use of Mobile Surveillance Equipment for Fly-Tipping Investigations
Report of:	Environmental Health Manager
Head of Service/Director:	Head of Community Services
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	None

Executive Summary:

On 12 of October 2021, the Overview and Scrutiny Committee considered a report appraising the options available to the Council in terms of the use of mobile surveillance equipment to assist with fly-tipping enforcement. This report provides an update on the outcome of a six month trial of the use of mobile surveillance equipment undertaken by the Council's Environmental Health department.

Recommendation:

To RECOMMENDED TO THE EXECUTIVE COMMITTEE that the Council adopts the use of mobile surveillance equipment as a long-term measure to support fly-tipping investigations and enforcement.

Financial Implications:

The Council has already purchased the cameras and associated hardware. Furthermore, the data subscription is a relatively small monthly payment, and this has been budgeted for in the medium term. Therefore, permanent use of the cameras is not expected to represent a significant financial commitment for the Council.

Legal Implications:

The continued use of overt surveillance by the Council in these circumstances must be in strict accordance with relevant legislation including:

- Human Rights Act 1998.
- Regulatory and Investigatory Powers Act 2000.
- The Protection of Freedoms Act 2012.
- General Data Protection Regulation 2016; and
- Data Protection Act 2018.

The Council must further ensure that the continued use of mobile surveillance equipment complies with guidance issued by the Information Commissioner's Office (ICO), the Investigatory Powers Commissioner's Office (IPCO) and the Surveillance Camera Code of Practice issued by the Home Office.

Further, there must be compliance with internal Council policy, such as the Regulation of Investigatory Powers Act 2000 Surveillance and Covert Human Intelligence Source Policy, including any Non-RIPA authorisation that may be required under that policy.

It is advised that a dedicated internal policy is implemented by the Council dealing with legal and procedural matters around the permanent use of mobile surveillance equipment in these circumstances.

Environmental and Sustainability Implications:

Effective use of mobile surveillance equipment may act as a deterrent to offenders and result in sustainable environmental improvements to the borough.

Resource Implications (including impact on equalities):

None arising directly from this report

Safeguarding Implications:

None arising directly from this report

Impact on the Customer:

Successful use of mobile surveillance may improve outcomes for customers who report incidents of fly-tipping.

1.0 INTRODUCTION

- 1.1** Fly-tipping represents a serious criminal offence and can have a serious detrimental impact on the amenity and environmental quality of communities within Tewkesbury Borough. Furthermore, the activity of fly-tipping can result in considerable expenditure by the Council in terms of waste clearance costs and allows offenders to undermine responsible businesses who dispose of their waste in a legitimate manner.
- 1.2** Like many authorities, Tewkesbury Borough has experienced high levels of fly-tipping over the past decade. Therefore, in 2017, the Council adopted a strategy to address the issue and this included a commitment to increase formal enforcement. This resulted in a notable increase in successful Court prosecutions and service of Fixed Penalty Notices for environmental offences, particularly fly-tipping and waste duty of care offences.
- 1.3** Although the Council has made substantial improvements in terms of regulatory outcomes over the past five years, some communities within the borough still experience unacceptable levels of fly-tipping. Furthermore customers, Members and Officers alike have been frustrated at the general level of Court fines issued to offenders which, in some cases amounts to less than the fixed penalty amount available for the same offence.
- 1.4** Therefore, in October 2021, a report was taken to the Overview and Scrutiny Committee outlining the potential benefits of using mobile surveillance equipment, such as closed-circuit television (CCTV), to assist with fly-tipping enforcement. The principal benefit of using mobile surveillance techniques is that it can provide the investigator with direct high-quality evidence and improve the chances of achieving the desired Court outcomes. Having considered the report, the Overview and Scrutiny Committee approved a six-month trial of the use of covert cameras with allied signage advertising the presence of the cameras.

2.0 TRIAL OF MOBILE SURVEILLANCE EQUIPMENT

- 2.1 The option approved by Members in October 2021 involved the use of concealed trial cameras at the target site with the presence of the cameras advertised by signage. As part of the project to deploy these cameras, a data privacy impact assessment was completed. This identified that the use of covert cameras would have involved the data being stored on a memory card located in the camera itself. This presented a risk to the Council in terms of data loss and potential personal data breach should the cameras be vandalised or stolen.
- 2.2 Therefore, the trial commenced in August 2022 using two overt rapid deployment cameras with signage. These cameras do not store any images on site and all footage is stored on a secure server. Investigating Officers are able to monitor the footage remotely and ensure that information is logged properly and any images that are not necessary for the investigation can be deleted in accordance with the Council's data protection and retention policies.
- 2.3 It can also be noted that there is a significant delay between the Committee approval date in October 2021 and the start of the trial in August 2022. This delay can be attributed to the large volume of work needed to ensure that the project was compliant with important legal requirements. This included a privacy impact assessment and an assessment of the impact of the provisions of the Regulatory and Investigatory Powers Act 1999 (RIPA). Furthermore, there was also a lengthy and stringent procurement process that had to be followed in order to comply with rules governing the procurement of data services.

3.0 OUTCOME OF THE CAMERA SURVEILLANCE TRIAL

- 3.1 The cameras were installed at two different locations within Tewkesbury Borough, with both locations having previously been identified as "hot spot" locations and known to be vulnerable to recurrent fly-tipping. The cameras were at each location for approximately six weeks.
- 3.2 The number of reported fly-tips reported at each location before and after the cameras were installed is as follows.

	<i>Reported fly-tips (previous 12 months)</i>	<i>Reported fly-tips (Since camera installation)</i>
Location 1	11	1
Location 2	3	0

- 3.3 The fly-tip at location 1 took place within the first couple of days of the cameras being installed and the cameras captured very good evidence of the tip. Council Officers are currently investigating this matter alongside the Police as one of the cameras was also stolen during the incident.
- 3.4 The trial of the rapid deployment cameras has demonstrated that the cameras are able to capture high quality evidence and the presence of the signage appears to be an effective deterrent to potential offenders. Therefore, the use of these cameras is likely to provide a useful option to assist enforcement officers with tackling fly-tipping.

3.5 Furthermore, the Officers are now fully trained and skilled in terms of installing the cameras and are capable of deploying the cameras at short notice without the need for assistance from an external engineer. In terms of financial resources, the Council owns the cameras and associated hardware outright and the subscription to the cloud software costs £55 a month. The subscription costs are currently funded by reserves held by the Head of Community Services and the Council has access to the service for approximately a further 18 months.

4.0 CONSULTATION

4.1 Corporate Services has been consulted in terms of the privacy impact assessment and GDPR compliance. The Counter Fraud Team has been consulted on the RIPA non-directed surveillance audit

5.0 ASSOCIATED RISKS

5.1 The principal risk is the reputational and financial risk that could arise from improper handling of data or images relating to innocent members of the public who are not the intention of the surveillance.

6.0 MONITORING

6.1 Performance of any enforcement interventions relying on the mobile surveillance will be monitored by the Environmental Health Manager. The Environmental Health Manager will also monitor compliance with relevant Council policies.

7.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

7.1 Overview and Scrutiny Committee Enviro-Crime Action Plan: 2017
Data Protection Policy
IT Policy
Corporate Enforcement Policy

Background Papers: Use of Mobile Surveillance Equipment for Fly-Tipping Investigations

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Appendices: None