

# Speech: Speech to the International Parking Community annual conference

Many thanks to the International Parking Community (IPC) for inviting me to speak at this event today.

I thought I'd start by giving you some background to my role – apologies if you've heard this before.

I was appointed by Home Secretary in 2014 but am independent from government. I oversee compliance with the surveillance camera code of practice. It contains 12 guiding principles which if followed will mean cameras are only ever used proportionately, transparently and effectively.

My remit applies to England and Wales and my role is threefold to:

- encourage compliance with the code
- review the operation of the code
- advise on any amendments to how the code should develop

Relevant authorities (police, police crime commissioners (PCCs), local authorities and non-regular police forces) must pay due regard to the code. It holds relevant authorities to account having a statutory responsibility to do this. For other organisations adoption of the code is voluntary.

The government wants an incremental approach to the regulation of surveillance cameras in England and Wales. To reflect that I don't have any powers of enforcement. In fact, I don't believe I require them. Based on what I've seen, many organisations who are required to comply are complying or close to compliance. However, it's a real risk for local authorities and other organisations to ignore the code and doing so would risk reputational damage through appearing unwilling to engage with the public or follow good practice.

So, maintaining public confidence is an incentive for complying with the code.

And there's no getting away from it: surveillance cameras are everywhere in the UK. A survey by the British Security Industry Association carried out 3 years ago estimated up to 6 million CCTV cameras in the UK. It's said that in an urban area on a busy day a person could have their image captured by around 300 cameras on 30 different systems.

In the 3 years since the survey we've seen body-worn video (BWV) rolled out by most police forces and by other organisations as well as the use of unmanned aerial vehicles – drones – take off and there's automatic number plate recognition (ANPR) cameras too. I will talk about this in more detail later.

So, that 6 million figure can only have gone up – all these camera types fall

within the scope of the code. These figures are indicative of the scale of surveillance, yet give no real indication whether surveillance is necessary nor of compliance with good practice or legislative requirements or meeting any standards at all.

In the 3 years that I've been in post one of my mantras has been 'we must raise standards', so I thought it might be worth highlighting a few successes from the past few years that we've had in that area:

- a self-assessment tool which is easy to use enabling any organisation using surveillance cameras in public places to identify where they are meeting the 12 guiding principles or where they are falling short; it allows them to develop an action plan to show due regard to the code (85% of local authorities have completed the tool)
- a third party certification scheme where such organisations can apply to be assessed for compliance with the code by an independent certification body and if successful use the commissioner's certification mark for 12 months or 5 years – an outward sign of inward compliance with the code (over 40 organisations are certified against code)
- a passport to compliance – formerly an operational requirement document that puts responsibility for system development in the hands of those that operate them; the passport to compliance will aim to reduce technical jargon to enable procurement experts within organisations to have the ability to properly hold suppliers to account, where non compliance of the code is evident (this is out for testing)
- a list of recommended British, European and international standards published on the commissioner's website for CCTV operators, installers, maintainers, manufacturers as well as CCTV monitoring companies

## **Parking on private land: how is this relevant to you**

Under the Protection of Freedoms Act 2012, the Secretary of State issued the surveillance camera code of practice with 12 guiding principles on the appropriate and effective use of surveillance camera systems.

The government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim
- necessary to meet a pressing need
- proportionate
- effective
- compliant with any relevant legal obligations

I am determined to drive up standards in the industry and provide reassurance to communities that public space surveillance is well managed. My goal is that all overt surveillance camera systems are used transparently and that the cameras protecting the public comply with relevant regulation, particularly the code.

## **Why the parking sector**

There is a wide increase in the use of technology in general such as automatic facial recognition, BWV, ANPR, UAVs etc. All these can provide massive benefits to society but at what cost? We only have to look at Operation Champion to see the problems with unchecked use of surveillance (where more than 200 cameras were installed without consultation in a largely Muslim area using funds set aside to tackle terrorism. This sparked outrage and the cameras were removed wasting tax payers money).

Do we run the risk of the UK becoming a bigger surveillance society? A balance needs to be achieved between using technology to improve processes and ensuring the privacy of individuals.

The question is how do we achieve the correct balance?

The use of ANPR has recently become a common theme among many of the big private parking companies. Therefore this topic is particularly relevant today.

ANPR offers parking companies a competent system for issue tickets to vehicles contravening parking conditions on private land. However, is the use of this surveillance mechanism proportionate and how can you ensure that it is being used in compliance with the relevant regulations? The ability to access the DVLA database for registered keeper details means that this data is personal data and therefore is subject to rules under data protection act.

## **Legitimacy of surveillance**

In 2014 the government announced plans to ban the use of CCTV in parking enforcement as it considered the local authorities use of 'spy cars' was being used as a 'cash cow' by councils. It wanted to end the plague of parking fines being sent in the post.

The Deregulation Act 2015 brought this into effect and prohibited the use of devices for parking enforcement, except in specified places, such as outside of schools and bus lanes. This was to curb the abuse of power by the local authority and to avoid devices being used as revenue generators for councils. The use of ANPR for parking on private land can be viewed in the same manner. Is the use of this form of intrusive surveillance legitimate? If yes, then how can we evidence that?

## **Accuracy of data**

ANPR is not without issues though and there are a number of challenges with using this form of surveillance. How do you know that the information provided by the ANPR camera is accurate for example? The fact that a camera has captured a vehicle entering and then leaving an area does not necessarily mean that the vehicle has been parked for that length of time.

For example if a ticket is issued purely on the basis of a camera capturing entry and exit of a vehicle this could be challenged by the driver who could

request evidence that the vehicle was actually parked for that length of time.

Another issue around accuracy of information provided by ANPR is a first in last out scenario where a vehicle arrives and parks for a few minutes in the morning and does that same in the evening. If the camera setting is a first in last out one it could issue a ticket on the basis of parking from morning till evening rather than 2 separate half hour periods.

We have to ask ourselves what exactly this information means. What is it telling us? Principle 12 of my code mentions the need to ensure the accuracy of any databases or reference. We need to make sure that data is checked before it is acted upon.

## **Compliance to the Surveillance Camera code of practice and the IPC code**

The use of any form of overt surveillance must adhere to a legitimate and pressing need.

As you will be aware over the last few weeks, there has been a lot of discussion over parking in hospitals. According to the Sun, 'hospitals raked in a record £125 million in car parking fees over the past year, despite the Health Secretary's vow to end the tax on sick charges. Shockingly last year's real figure is thought to be as much as £190 million.'

As parking companies, there must be a way to address this in order to provide transparency to the members of the public. In areas where ANPR is used, it is absolutely essential that the industry gets this right. Completing my self assessment tool could provide a solution and help evidence the fact that these car parks are being operated in compliance with my code.

I have been working with the IPC to incorporate my code into their code of practice and I am grateful to Will and John who have been instrumental in making this happen speedily.

This means that as a member of IPC, in order to comply with the IPC's code of practice, you should also be able to demonstrate also comply with my code.

You will find this in section 3.5 of the code which states that 'operators should have regard to the surveillance camera code of practice when using surveillance cameras.'

Under the IPC's code of practice non compliance with the code could lead to withdrawal of membership as well as the company being reported to DVLA. You will find detailed information about implications of non compliance in part E – schedule 2 of the accredited operator code of practice.

I have put in place a number of tools that will help you to demonstrate compliance to the code. These are my self assessment tool and third party certification.

The self assessment tool is a simple questionnaire that guides you through the 12 principles and helps you to develop an action plan to improve compliance.

Completing this tool will show you how closely you are complying with the code.

The third party certification scheme is for those that are compliant and want to evidence this with a certification mark and a certificate.

More information on these tools can be found on my website.

## **What's in it for parking**

While the code mentions the importance of relevant authorities showing regard to the code, it goes further to encourage compliance from other sectors that use public space surveillance to adopt the code voluntarily. The parking sector falls into this category of voluntary adopters of the code. The importance of this cannot be over emphasised.

A number of voluntary sectors have adopted the code and already achieved certification. These include some universities, housing associations and most recently Marks & Spencer. None of these organisations have to comply but they have seen the benefits in adopting the code.

So what are the benefits?

Complying with the code provides many benefits, some of which are:

- protecting members of the public
- transparency on how surveillance is used in parking
- improve standards of operating ANPR surveillance within the parking section
- protect the integrity of the industry by ensuring that information used to issue tickets is accurate
- provide consistency across the parking sector
- safe costs on appeals where surveillance cameras show accurate information
- ensure that where ANPR is being used they are compliant with the code of practice which in turn will uplift public confidence in this challenging sector
- adopting the code will help to uplift standards in the parking industry
- potential for reduction in cost through value management and efficiency checks on systems.

## **Strategy**

So, we have had some good successes and you may be thinking: I know he's consulting on a national strategy (I hope you know I am!), things seem to be improving without one. Well, the surveillance camera sector is massive and is an industry that will continue to grow – there was a £2,120 million turnover in the UK in 2015 on video and CCTV surveillance. That's virtually enough to

buy a Premier League football club!

Think about the surveillance camera industry and all the organisations and people that have a vested interest:

- local authorities
- police forces
- installers, manufactures, consultants and designers
- government and regulators
- members of the public
- all commercial and business sectors

The list goes on – all of these groups often (but not always) are working in isolation, independently of each other.

So, considering the amount invested in the sector and the many groups involved in keeping the public safe – some already working together, there is a need for an overarching, coherent strategy that underpins the use of surveillance cameras bringing together all relevant groups.

As I said, I've been in post for almost 3 years now and during that time have been continually impressed by the support, encouragement and engagement across the range of stakeholders. What is clear is the energy for greater co-ordination to improve compliance and raise standards in the world of surveillance cameras. There is certainly an appetite for an over-arching surveillance camera strategy.

This approach was agreed by my advisory council in January and partnership working is at the heart of the strategy – there are 10 work strands all led by an industry expert giving up their time voluntarily to drive this ambitious strategy forward as one coherent plan for the surveillance camera industry.

And it is an ambitious strategy with long-term objectives and delivery plans which extend beyond 2020. My vision for the strategy is quite simple:

The public are assured that surveillance cameras in public places are there to keep and make them feel safe, and that those cameras are deployed and used responsibly as well as transparently in a manner which is proportionate to their legitimate purpose.

And I will do this by providing direction and leadership in the surveillance camera community, to enable system operators to understand best and good practice, and then demonstrate compliance with the principles of the SC code and any associated guidance.

The strategy aims to provide direction and leadership in the surveillance camera community to help system operators to understand best and good practice as well as their legal obligations, such as those contained within the Data Protection Act and the Private Security Industry Act, and then to apply that understanding to demonstrate compliance with the principles of the code and any other associated guidance.

It will provide a blueprint and a delivery plan that will afford significant operational cost benefits, economies of scale, enhanced training opportunities and more focused direction for manufacturers and suppliers. The end result being a more transparent, efficient and effective approach to public space surveillance – benefitting the public who will be safe in the knowledge that surveillance cameras are there to keep them safe and protect them.

This is not the first attempt at a national strategy for surveillance cameras in England and Wales. The 2007 CCTV strategy attempted to do this with regard to CCTV. It was an ambitious, systematic and innovative approach but for a number of reasons much of it didn't move from recommendations into delivery. Much of today's strategy owes a lot to the remnants of the 2007 CCTV strategy.

As I said there are 10 work strands to this strategy each with its own objectives – I won't go through these but you can find them in the draft strategy document on my website.

But briefly, in consultation through their networks the strand leads have identified high level objectives. They each work towards and support achieving the vision and mission.

Each of the strategic objectives will have a supporting delivery plan setting out specific action and outputs which contribute towards achieving the strategic mission. The delivery plans are owned by strand leads.

## **Consultation**

This draft strategy has been 10 months in development – I've been working with the strand leads and many others to get it into shape and now we are ready to consult on it.

So, I welcome views from anyone whether they are an expert in the industry or a member of the public – the strategy is designed to benefit them so their input will be invaluable to making sure it meets their needs when we begin work on delivering its objectives in 2017. The consultation is open now and you can submit your views via an online survey on my website – the consultation will remain open until 6 December.

Once we have gathered and analysed responses we will feed them back into the strategy to make it even better and publish the final document and delivery plans in 2017.