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**Operational Policy - Caught on Camera**

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North East Lincolnshire Council’s priorities are clear:

**‘Stronger economy and stronger communities’**

**Introduction**

To achieve this vision we need to work in new ways with partners in the public and private sectors, the voluntary and community sector, and with individuals, families and communities. We must support and enable the achievement of improved community outcomes with creativity and innovation.

We want North East Lincolnshire to be seen as an attractive place to live, work, visit and invest. We know that we have significant and exciting opportunities for investment and growth in North East Lincolnshire.

The Council's stronger economy / stronger communities priorities are underpinned by a key strategic framework comprising the following:

* health and wellbeing strategy
* economic strategy
* prevention and early intervention strategy
* financial strategy
* safeguarding

Our [outcomes framework](https://www.nelincs.gov.uk/council-information-partnerships/partnerships/commissioning-plan-outcomes-framework/) is the means by which our priorities will be translated into action and delivered, developed and achieved in conjunction with our partners across sectors. This is intended to drive a culture of evidence-based decision-making that will enable elected members to take informed key decisions, knowing the risks and the opportunities for citizens, communities and businesses. Our commissioning plan will ensure and foster clear links between the outcomes framework and the resources available to achieve them.

The framework, sets out the five high level outcomes that we and our partners aspire to achieve to ensure prosperity and wellbeing for the residents of North East Lincolnshire.

The five outcomes are that all people in North East Lincolnshire will:

* Enjoy and benefit from a strong economy
* Feel safe and are safe
* Enjoy good health and well being
* Benefit from sustainable communities
* Fulfil their potential through skills and learning

All policies that are developed or reviewed by North East Lincolnshire Council have due regard to the aims of the Equality Duty including ensuring that no-one is treated in any may less favourably on the grounds of age, disability, gender reassignment, pregnancy & maternity, race, religion or belief, sex, sexual orientation, or marriage & civil partnership.

**Objectives**
The objectives of this policy is to define the circumstances when images or video clips will be published and the associated decision making processes.

**Guidelines**

**When would we take Enforcement Action?**

When we carry out any enforcement activity we aim to:

* change the behaviour of the offender
* remove any financial gain or benefit arising from the breach
* be responsive and consider what is appropriate for the particular offender and regulatory issue, including punishment and the public stigma that should be associated with a criminal conviction
* be proportionate to the nature of the breach and the harm caused
* take steps to ensure any harm or damage is restored
* deter future breaches by the offender and others

We will act proportionately when we apply the law. We will take account of and balance the:

* risk posed to people and the environment
* seriousness of the breach of the law
* impact on the environment, people, and legitimate business
* cost of taking enforcement action against the benefit of taking it
* impact on economic growth

We will prioritise and pursue investigations that involve:

* serious environmental harm or harm to human health
* organised crime
* overt criminal activity
* substantial illegal gain
* threats of violence
* other aggravating factors

**When we will we use Caught on Camera?**

During an investigation, if CCTV or other still footage is found and all reasonable efforts have been exhausted to identify the offender, then a request will be made from an officer to publish images of the incident on The Council’s website.

At that point in line with The Council’s General statement of Enforcement policy, the decision maker will review the quality and nature of the footage and apply the *public interest test* and the *proportionality test* and decide on publication.

All decisions to publish any footage will be taken fairly, impartially, with no personal views about the ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity of the suspect, defendant, victim or any witness influence their decisions. Neither must they be motivated by political considerations.

We would consider the *proportionality test* and take into account the following;

* An ethical risk: which must establish a level of intrusion that correlates to the severity of the matter under investigation. It will necessarily balance the level of harm caused with the individual’s right to privacy.
* ‘Compulsion’: Is the circulation essential to identifying or tracing that individual? Have all other methods been explored?
* ‘Sufficiency of Intrusion’: Is the degree of collateral intrusion affecting individuals not connected with the investigation justifiable and acceptable?
* impact on the environment, other people and legitimate business of bringing the offender to justice
* Risk to person(s): Is there a risk of personal injury? (To either the individual or member of the public)
	+ The individual’s welfare must be considered in light of the circulation, including psychological pressures on the induvial or on third parties.
* Operational Risk: Consideration will be given, prior to display of images, of any disproportionate damage to the reputation of The Council or to community relations.
* Also where publication of images may compromise any potential prosecution

Once this is done, a decision will be made around uploading the image to The Council’s website.

Images of Juveniles and non-relevant persons, i.e. persons not thought to be involved in the incident, and non-relevant information such as car registration numbers etc., will be removed or obliterated.

**How would I notify The Council, if I knew an offender?**

There will be two ways to report an offender. 1. Via an online reporting form. 2. By telephoning a business support officer.

**When would we not publish on Caught on Camera?**

When the image is poor quality, or it is felt not in the public interest to do so. Neither will we publish images of juveniles or vulnerable persons.

All images will be redacted / obliterated in accordance with the standards of the Communications Team.

**Who is the Decision Maker?**

For the purposes of this policy, the person responsible for reviewing and authorising publication, will be **Will Abë, Environmental Enforcement Manager**.

Though, in certain cases, others may be consulted such as **Legal Services Team** and / or **Neil Clark, Strategic Lead for Regulation and Enforcement**, if needed.

**When are images removed or reviewed?**

All uploaded images will remain published for 6 months. After six months, a review will be conducted. It not expected that images will be retained on the website for longer than 12 months.

**Successful Identification and further action**

Once an offender has been identified through this or another process, officers will verify the identification of details by contacting the offender and confirming identification. Any decision to take further action will be done in accordance with The Council’s General statement of Enforcement policy.

Should the action result in further action the image, will be marked, with fined or prosecuted, and the identity of the offender obliterated so they cannot be identified.

**Security of images**

Images will be securely stored at all times in accordance with The Council’s ICT and Information Security Policy

**Review**

Annually, the operation of the Caught on Camera policy will be reviewed, with the Officer responsible and the representatives from the following teams:

* Information Governance Team
* Decision Maker