**Maxstoke Parish Council**

*Policy regarding the use of Fly-tipping” cameras by the Parish Council*

**Background**

Maxstoke Parish, in common with so many rural areas, has long been blighted by individuals who engage in the illegal dumping of waste, known as ‘fly-tipping .The offenders range from passing motorists casually throwing litter from their vehicle windows, to professionals disposing of their trade waste or those engaged in waste removal service for the public. NWBC provide good service to the Parish with speedy removal of bulk deposits of waste. The lower end of this problem, that of littering by passers-by is inherently more difficult to remove and in practice it becomes incumbent on residents to tackle.

The problem is one that seems to infuriate residents more than any other and has been discussed by the Parish council on a regular basis. The Parish Council meeting of November 2022 was attended by Councillor Mr David Wright and Mr Evan Ross of NWBC. Both expressed their willingness to tackle the problem within the Parish and the sum of £1000 was allocated to the Parish to finance camera equipment to be used to identify offenders. Mr Ross indicated that NWBC would undertake prosecutions of offenders, subject to the availability of suitable evidence.

Advice was sought from the body responsible for the oversight of legislation relating to data handling within the United Kingdom, The Information Commissioner’s Office (ICO) as to our legal responsibilities relating to the use of the cameras and the data obtained from them. Our policy in this regard is drawn mainly from the advice obtained from that organisation.

**Camera Policy**

1. We certainly do not want to create a climate where members of the public going about their daily lives or enjoying the countryside feel that they are being subjected to random surveillance, our sole aim is to prevent or detect persons committing offences of fly-tipping that spoil the environment for all.
2. To this end the Parish Council will purchase and deploy suitable cameras within the Parish boundary to obtain evidence to be used to prosecute persons committing offences of ‘fly-tipping’. This policy will be subject to regular review by the council. These will be used in conjunction with prominent deterrent signage, provided by the NWBC as prevention will of course be preferable.
3. The choice of equipment reflects the need to reassure the community that the initiative will not be intrusive. We are conscious of the adverse reaction to the appearance of unidentified drones that appeared over the Parish. Similarly the exact location of the cameras will not be published to prevent compromise.
4. The Parish Council will remain registered with the Information Commissioner’s Officer as Data Controllers and will pay an annual fee. The Council will have in place a Data Protection Officer, who with authorised assistance, will place and retrieve the cameras, assess the data and delete anything not related to Criminal activity. The officer will be responsible for the safeguarding of any retained data.
5. The Parish boundary is defined on the map attached to this document.
6. The placement of any cameras will be targeted to sites that are regularly used in offences of’ fly -tipping’ and will be justifiable, proportionate, time-sensitive and part of a specific investigation. To these ends we will utilise the NWBC interactive map that details fly-tipping instances as well as intelligence from local residents. A ‘Data Protection Risk Assessment’ will be undertaken at each site to ensure that there is no unwarranted intrusion on law-abiding persons.
7. Should anyone believe that the Parish Council holds any data obtained from the use of the cameras obviously copies would be supplied. It is, however the policy that any data obtained that does not relate to fly-tipping or other criminal activity will be deleted immediately.
8. Although the camera deployment will not be made overtly, the areas where the offences take place are invariably rural and have natural cover, as such, even a camera placed openly may not be obvious to an offender given that most offences take place under the cover of darkness. The cameras used are designed to film wildlife and therefore not obtrusive. Given that the cameras are expensive a degree of care will be taken to prevent theft or damage.
9. To maximise the deterrence aspect and comply with legislation that the Local Authority is bound by, clear signage will be placed on the approaches to the camera sites, warning of the use of cameras to detect offences of fly-tipping and the penalties of such. These signs, provided by NWBC, are of appreciable size and are reflective so as to be visible at night in areas without street lighting.
10. Cameras will, wherever practicable, be placed within the bounds of the highway and owners of adjacent land will be made aware, however if siting on the highway is not possible permission will be sought from the landowners to utilise land close to the target area. Any such siting will again necessarily be very close to the highway.
11. Due care will be taken to minimise any intrusion on law-abiding members of the public that may pass through areas covered by a camera.
12. Cameras will not be retained in locations longer than necessary for its purpose and the siting will be regularly reviewed.
13. The camera technology allows the memory to be ‘over-written ‘; so any data not related to offences will automatically be deleted by the camera system. However if the memory is removed for any reason any such data remaining will be deleted forthwith if not relevant.
14. No data obtained from the cameras will be disclosed to anyone other than the Parish Council members and law enforcement, via social media or other means. Any information regarding offenders will not be related to the community whilst any proceedings are pending.
15. Any data obtained relating to offences of ‘fly-tipping; or inadvertently of other criminal activity will be transferred to a permanent medium such as CD and retained securely for possible court action. It will not be shared with other than necessary Parish Council members and law enforcement.
16. Parish council members and any persons authorised to assist in the deployment and retrieval of the cameras and processing of any data obtained from it must be willing to make witness statements and be willing to attend court to give evidence in any proceedings brought.
17. Accurate records will be kept of the persons involved, locations, dates and times of the siting and removal of cameras and of the use of any data obtained from the camera, including the deletion of any irrelevant data. A report will be made quarterly to the Parish Council regarding the initiative.

**Equipment**

Initially the Parish Council has purchased four Browning ‘Trail’ cameras for evaluation. As such the body of the camera is designed to blend into a rural situation. It will provide a choice of high definition images of video clips. They will work in conditions of pitch darkness having inbuilt Infra-red lighting that is invisible to humans. The recordings are triggered by movement by a sensor in the camera. There are many features relating to different situations and conditions

There will be a learning period in which these features are trialled to obtain the best results. Variables such as battery life and memory capacity are being assessed. Steel security boxes and locks have been purchased and combined with the careful placement of the camera will minimise the risk of theft or damage but will not eliminate it. Placement of the camera and regular monitoring of the sites is time consuming, however the camera can be switched to over-write the memory so the main attention required is to battery life, which initial results show to be good. We will in future consider the use of similar cameras that can be viewed remotely however these have certain disadvantages such as added running costs and a tell-tale red glow at night.

The cameras have been security marked.