

**HOMES POLICY DEVELOPMENT GROUP
15 NOVEMBER 2022**

**MID DEVON HOUSING DRAFT POLICY RELATING TO TENANT USE OF CLOSED
CIRCUIT TV (CCTV) & CAMERA DOORBELLS**

Cabinet Member(s): Cllr Stuart Penny, Cabinet Member for Housing

Responsible Officer: Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing

Reason for Report & Recommendation: A new draft policy setting out the conditions associated with the granting of permission for tenants to install closed circuit television systems (CCTV) and camera doorbells in or on their property is presented to Members. This has been developed on the basis that such a policy would provide greater clarity to stakeholders and ensure that those tenants fitting such systems were doing so lawfully, recognising the obligations on tenants to ensure compliance.

Recommendation: The PDG recommends that Cabinet recommend to Council the adoption of the Tenant CCTV and Camera Doorbell Policy attached in Annex 1.

Financial Implications: The activity of the landlord service, known as Mid Devon Housing (MDH) is accounted for within the Housing Revenue Account (HRA). The HRA is ring fenced and subject to specific financial controls.

Budget and Policy Framework: There are no direct budget implications arising from this policy proposal. The policy framework in respect of the Regulator for Social Housing is set out in section 1 of this report.

Legal Implications: The Housing Act 1985 applies with regard to the management of Council housing. The relationship with tenants is set out in our Tenancy Agreement. This details the rights and responsibilities of both parties including those obligations relating to repairs. The tenancy agreement also takes account of other relevant legislation including that which amended the original Housing Act, the Localism Act 2011 and the Anti-Social Behaviour, Crime and Policing Act 2014.

Following publication of the Social Housing White Paper in late 2020, the Social Housing Regulation Bill is currently on its way through Parliament and, once implemented, this will impact the regulatory framework for social housing. One aim of the new legislation is to ensure that providers of social housing, such as the Council, keep estates and neighbourhoods safe and clean. The existing Neighbourhood and Community Standard which forms part of the regulatory framework for social housing is relevant to discussion about tenants' own CCTV and camera doorbell.

Risk Assessment: The Council has approximately 3,000 homes in management. Failure to provide an effective housing management service has the potential to result in failure to meet legal and statutory obligations. There is a regulatory requirement to maintain safe and clean estates and neighbourhoods. Partner agencies, including the Police, sometimes suggest that tenants install their own CCTV systems or camera

doorbells and failure to implement a policy relating to this could result in tenants doing so in such a way as to mean that they are inadvertently breaking the law resulting in heightened community tensions.

Equality Impact Assessment: There is a suite of housing related policies. The use of these helps to ensure that service delivery is consistent and fair. These are subject to ongoing review with the aim of more closely aligning them with the regulatory standards as set out in the Regulatory Framework for Social Housing. There is a regulatory requirement for registered providers of social housing to tailor their service to meet the needs of the tenants and diversity data is requested from tenants at sign up to enable compliance to be monitored.

Relationship to Corporate Plan: A stated aim of the Council is to deliver sustainable communities.

Impact on Climate Change: None directly relevant to this report.

1.0 Introduction

- 1.1 MDH, as a registered provider of social housing (RP), is subject to the provisions of the regulatory framework for social housing, which is issued by the Regulator for Social Housing (RSH).
- 1.2 The Neighbourhood and Community Standard is one of the consumer standards and is therefore applicable to the work of MDH. This Standard requires RPs to keep the neighbourhood and communal areas associated with the homes which they own clean and safe. Landlords are expected to work in partnership with their tenants and other providers and public bodies where it is effective to do so. Furthermore, RPs are required to work in partnership with other agencies and to tackle anti-social behaviour in the neighbourhoods where they own homes.
- 1.3 The Neighbourhood and Community Standard also sets out some specific expectations associated with the management of anti-social behaviour. In their work to prevent and address this, RPs are required to demonstrate, amongst other things, that tenants are made aware of their responsibilities and rights in relation to anti-social behaviour; that a strong focus exists on preventative measures tailored towards the needs of tenants and their families; and provision of support to victims and witnesses.
- 1.4 In the Charter for Social Housing Tenants, issued as a White Paper in November 2020, the Government set out their aim to provide all social housing tenants with a good quality home and neighbourhood to live in. The Social Housing Regulation Bill which is currently being debated in Parliament, will, when it is implemented, address the concerns of tenants as they relate to neighbourhood management. There is a stated intention to ensure that estates and neighbourhoods are safe and clean thereby improving the quality of them and providing support for the wellbeing of those resident in them.

2.0 The New MDH Draft Policy Relating to Tenant Use of CCTV and Camera Doorbells

- 2.1 The aims of this new MDH draft policy relating to tenant use of CCTV and camera doorbells are numerous. Fundamentally, it has been written to support the provision of safe, secure and sustainable neighbourhoods and communities. However, it has also been designed to improve tenancy sustainment, and to provide a decision-making framework for reference by staff, Members of the Council and tenants setting out how any requests to install closed circuit TV (CCTV) systems or camera doorbells will be considered and approved.
- 2.2 There is sometimes a tension between the needs and wishes of someone who wishes to fit CCTV and/ or a camera doorbell, and those of neighbours who may be concerned about the intrusiveness of such an installation. Furthermore, MDH recognises that CCTV system and camera doorbells can result in some households feeling more secure, especially where they have experienced crime including violence, domestic abuse or anti-social behaviour.
- 2.3 MDH is also aware that in some cases, other agencies, including the Police, may suggest to a tenant that they may like to consider fitting either of these. In some cases, this may be with the explicit aim of collecting images which will support legal action against perpetrators of crime.
- 2.4 This new draft policy, if adopted, will sit in the policy framework relating to the Neighbourhood and Community Standard. This framework is currently under review and due to be considered by the Homes Policy Development Group at the meeting in January 2023.
- 2.5 The new draft policy clearly sets out the factors which may be considered as part of the decision as to whether or not permission to install a new CCTV system or camera doorbell will be granted. There are legal obligations on any tenant installing a permitted system which are not those of the Council but are set out clearly within the policy for information.
- 2.6 Members will note that tenants are required, in line with the new draft policy, to apply for permission to install CCTV or a camera doorbell. Cases will be reviewed and determined on a case by case basis. If permission was not sought, the tenant will be required to remove the installation although it may be possible to apply for retrospective permission at the discretion of MDH. During the period when any such request is being considered, all cameras must be disabled.
- 2.7 Frontline housing management staff (for example Neighbourhood Officers) will be required to review any requests for permission received and to make recommendations to the appropriate Operations Manager or Corporate Manager who will be required to make the final decision. The decision-making by this senior officer must be supported by a written justification, for future reference and ensure records of all systems in use are retained.

- 2.8 The new draft policy sets out arrangements for monitoring and review of any installations of CCTV or camera doorbells by tenants.
- 2.9 The new draft policy also provides links to information about the law and tenant's responsibilities with regard to data protection laws including cases where the CCTV or camera doorbell will capture images of parts of a neighbouring property or communal areas. It will therefore provide a point of reference for those considering seeking permission to install CCTV or a camera doorbell. Nonetheless, this is just summarising and signposting tenants to current information on what remains a legal obligation on the tenant.
- 2.10 Despite the obligation being on the tenant to comply with relevant legislation, if MDH becomes aware that a tenant is failing to meet all relevant legal requirement it would be authorised to require the tenant to remove the CCTV equipment or the camera doorbell under the policy provisions.
- 2.11 Those concerned about a particular installation and/ or about being filmed by a tenant's CCTV or camera doorbell are encouraged to speak to the tenant responsible in the first instance. If having done so where appropriate, they remain dissatisfied, in line with the new draft policy, they are advised to make a complaint to the Council and should also consider making a complaint to the Information Commissioner's Office (ICO) and/or the Police. This is because such issues are considered to be a private and civil matter.
- 2.12 The Council will consider any complaints made to the Council in relation to CCTV and camera doorbells only if such complaints amount to instances of nuisance, annoyance and/or harassment.

3.0 Recommendation

- 3.1 As a new policy, that the PDG recommends that Cabinet recommend to Council the adoption of the Tenant CCTV and Camera Doorbell Policy attached in Annex 1.

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Circulation of the Report:

Cllr Stuart Penny, Cabinet Member for Housing
Members of the Homes PDG
Leadership Team
Corporate Management Team
Service/Operations Managers
Legal Services

Further information:

Regulatory framework for social housing:

<https://www.gov.uk/guidance/regulatory-standards-procedures-and-guidance#regulatory-standards-and-approach>

Annex 1



**POLICY FOR TENANT USE OF
CCTV AND CAMERA
DOORBELLS**

1. Introduction

- 1.1 Mid Devon Housing (MDH) is part of Mid Devon District Council (the Council). It is responsible for the Council's housing stock and believes that everyone has the right to lawfully enjoy their home and local neighbourhood. It is committed to developing sustainable communities and helping tenants to retain safe and secure tenancies.
- 1.2 MDH recognises that some of our tenants will feel more secure if they install external Close Circuit Television (CCTV) or camera doorbells in order to deter crime or if they have been experiencing problems of persistent anti-social behaviour or other crime. Some of our tenants may have been advised to install these items for these purposes by other agencies including for the purposes of providing evidence of crime.
- 1.3 MDH also recognises that some neighbours may find the installation of a CCTV camera or camera doorbell that covers (or seems to cover) their property to be a breach of their privacy.

2. Policy Aims and Objectives

- 2.1 This policy applies to MDH tenants who may wish to install an external CCTV system or camera doorbell. This policy does not apply to the use of CCTV by MDH itself which is covered in a separate policy and guidance.
- 2.2 The aims and objectives of the policy are to:
- Help create safe, secure and sustainable neighbourhoods and communities
 - Improve tenancy sustainment
 - Recognise that some tenants will feel more secure if they install external CCTV or camera doorbell
 - Recognise that some tenants may find the installation of a CCTV camera or camera doorbell to be an invasion of their privacy
 - Find a balance between the two situations above in order to allow a tenant to feel more safe and secure by installing a CCTV camera or camera doorbell or provide evidence of crime or anti-social behaviour, but also protecting the privacy of their neighbours and members of the public
 - Provide guidance to staff, members and tenants on the criteria and rules for allowing the installation of CCTV or camera doorbell by our tenants on our properties
- 2.3 MDH has a legal obligation to meet the standards set by the Regulator of Social Housing to:
- Keep neighbourhood and communal areas associated with the homes it owns safe; and
 - Prevent and tackle anti-social behaviour in the neighbourhoods where it owns homes.

3. Permission to Install CCTV or Camera Doorbells, Records and Review

- 3.1 Tenants must apply to MDH for permission, before installation of CCTV or camera doorbells. Supporting information can be provided by other agencies (e.g. Police) but it must be the tenant that makes the request (or anyone legally entitled to act on their behalf).
- 3.2 Any requests from tenants to install their own CCTV or camera doorbells will be reviewed and determined on a case by case basis.
- 3.3 MDH may ask that tenants consider other possible options such as security lighting or neighbourhood watch schemes before requesting permission to install CCTV or camera doorbells.

- 3.4 Where CCTV or a camera doorbell has been installed without permission, the tenant will be required to remove the installation. In some cases, it may be possible to apply for retrospective permission which will be considered against all aspects of this policy. This is at the discretion of MDH and all cameras must be disabled until the outcome of the request.
- 3.5 Numerous factors will be considered when CCTV or camera doorbell installation has been requested. These include but are not limited to:
- Why the CCTV or camera doorbell is needed
 - Whether any other means could be used to protect the property or occupants
 - The area covered by the CCTV or camera doorbell
 - Whether the CCTV or camera doorbell is recording sound or not
 - Whether the CCTV or camera doorbell coverage could be considered to be intrusive on neighbours' or others' privacy
 - How neighbours feel (or might feel) about the CCTV or camera doorbell being installed
 - Whether another agency has recommended the installation of CCTV or camera doorbell to the tenant
 - Any other factors that MDH deems reasonable to consider
- 3.6 The initial review will be carried out by a Neighbourhood Officer or team leader who will make a recommendation setting out the factors considered in line with this policy. The relevant Operations Manager or Corporate Manager responsible for MDH will make the final decision and provide a written rationale for the approval or rejection of the request. The review and final decision shall be held on MDH records for as long as the CCTV or camera doorbell system remains in use.
- 3.7 MDH may periodically monitor the use of tenant CCTV or camera doorbell systems to ensure compliance with this policy including any guidelines or recommendations set out. With reasonable notice, MDH may therefore require a tenant to give MDH access to the system for this purpose. We will not view general footage, or get involved in decisions about the processing of data, captured by CCTV or camera doorbell installed by a tenant. However, MDH may use two staff members (one on a phone to the other) viewing footage when the only 'data subject' in view of the camera is a MDH staff member.
- 3.8 In accordance with Section 3.7 of this policy, MDH will hold a secure record of all permissions made under this policy for the installation of a CCTV or camera doorbell system in one of its properties by a tenant.
- 3.9 The continued use of the CCTV or camera doorbell system can be reviewed by MDH at any stage and permission withdrawn for reasons set out in Section 4.2 and/or in light of any valid complaints received as set out in Section 5 of this policy or as directed by the relevant regulator (Commissioner) of such systems. Any CCTV or camera doorbells left at a property once it becomes void (end of tenancy), undergoes a mutual exchange or a transfer it will be removed before the property is allocated to a new tenant unless there are exceptional reasons to retain it, whereby a new review of the continued use of the CCTV or camera doorbell must be completed and determined as set out in Section 3.6 of this policy.

4. The Law and Tenants' Responsibilities

- 4.1 Once permission is granted tenants must:
- Comply with the law. When a tenant contacts us, MDH will direct them to information about the law that they must follow at:

<https://www.gov.uk/government/publications/domestic-cctv-using-cctv-systems-on-your-property/domestic-cctv-using-cctv-systems-on-your-property>

- Cover their property only and not the neighbour's property or any communal areas. This means that tenants may not be granted permission for the CCTV or a camera doorbell if they live in a flat with a shared entrance.
 - Have a camera doorbell which does not record or save footage if it covers a neighbour's property or any communal areas. This means if a tenant lives in a flat with a shared entrance, permission may only be given for a camera doorbell with a live video stream.
 - Make good any damage caused from the installing or removing of any CCTV or camera doorbells.
 - Not compromise electrical or fire safety (e.g., overload or damage electrical systems, damage fire doors including flat entrance doors).
- 4.2 Failure to meet these requirements may result in MDH requiring the tenant to remove the CCTV equipment or camera doorbell. If the items are not removed the Council will, after consulting legal services, remove them.
- 4.3 MDH does not regard CCTV or camera doorbell installation as an improvement and will not make payments under the compensation for improvements scheme.
- 4.4 In some instances, it may not be possible to site a CCTV or a camera doorbell without capturing images of parts of a neighbouring property or communal areas. If images are being captured outside of the boundaries of a tenant's property, it may be subject to data protection laws (i.e. the Data Protection Act 2018 and/or the UK General Data Protection Regulation and the tenant will need to comply with all requirements under this legislation.
- 4.5 In the exceptional event permission is granted for the installation of a tenant's CCTV or camera doorbell that captures images beyond their property boundary, such as:
- Other properties or gardens
 - Communal corridors or shared spaces
 - Car parks
 - Footpaths

Then the use of the system is subject to data protection laws, as the person using the CCTV or camera doorbell is considered a data controller and/or a data processor. Data protection laws require a number of actions to be taken by such persons in relation to the installation and use of CCTV or camera doorbells.

- 4.6 For the full guidance, and more information please visit the Information Commissioner's Office (ICO) website:
- <https://ico.org.uk/your-data-matters/domestic-cctv-systems-guidance-for-people-using-cctv/>

5 If a tenant is unhappy about a neighbour's CCTV or camera doorbell

- 5.1 If another tenant or third party feels unhappy about being filmed, MDH will ask that they talk to the tenant in the first instance. They may not know that it is causing a problem and therefore they should be given the opportunity to make changes to the CCTV or camera doorbell coverage so that both parties are happy. For example, blanking out areas from being recorded.

- 5.2 If the matter is not resolved to the tenant or third party's satisfaction the dissatisfied party can make a referral to the ICO.
- <https://ico.org.uk/make-a-complaint/>
- 5.3 Any concern about the use of the CCTV or camera doorbell or the improper use of the data captured, can also be reported to the Police
- 5.4 Any unresolved dispute regarding the CCTV or camera doorbell is essentially a private and civil dispute between the parties concerned and the Council cannot take action.
- 5.5 MDH has a responsibility to investigate any complaint made against a MDH tenant whether made by another tenant or a third party.
- 5.6 If a tenant or third party submit a complaint to the Council it will be dealt with in accordance with the Council's complaints policy. More information on how to submit a complaint and the process is set out at:
- <https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/>
- 5.7 The Council may undertake a review of the permission granted for the installation of CCTV or video doorbells as part of its complaints handling.
- 5.8 General dissatisfaction that a tenant is using CCTV or a camera doorbell is not considered a breach of the tenancy. However, the Council will investigate and take action, if necessary, any reports of nuisance, annoyance and/or harassment.
- 6 Review and Version**
- 6.1 MDH will review this policy every 5-years and as required to address legislative, regulatory, best practice or operational issues.
- 6.2 This policy was produced in 2022 and is version 1.