

2 DECEMBER 2022

LTN 13 | POLICING YOUR AREA

1. This Legal Topic Note considers the powers and duties of local councils in relation to crime in their area, together with guidance on approaches and systems that can be used. The government has stated its support for the use of CCTV in public

Duty to consider crime and disorder implications

2. Under section 17 of the Crime and Disorder Act 1998 (“the 1998 Act”) a local council has a duty to:

exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,

(a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment)

(b) the misuse of drugs, alcohol and other substances in its area and

(c) re-offending in its area.

The right to be consulted

3. The 1998 Act imposes a duty on district and county councils (in England) and county and county borough councils (in Wales) to publish strategies that cover the above aims. The principal authority is required to consult with others, including “persons who appear to the strategy group to represent the interests of as many different groups or persons within the area as is reasonable”. This would include the relevant local councils.

Power to prevent crime

4. Section 31 of the Local Government and Rating Act 1997 permits a local council, in order to prevent or detect crime, to:
 - Install and maintain any equipment;
 - Establish and maintain any scheme; or
 - Assist others to install and maintain any equipment or to establish and maintain any scheme.

5. "Equipment" could include:

- Security lighting;
- Alarms;
- Automatic Number Plate Recognition (ANPR) and
- CCTV.

Vehicular activated speed signs

6. Local councils sometimes consider providing vehicular activated speed signs (VAS) under the power to prevent crime. It is our view that this power does not cover the provision of such signs as speeding is normally dealt with by a fixed penalty notice which is not a criminal sanction and the display of a speed is not a deterrent.
7. The general power of competence will not assist local councils as it is a power that enables a local authority to do anything individuals generally may do and individuals cannot provide speed signs. However, a local council with the general power of competence can make a contribution to the highway authority towards the cost of speed signs because any individual could do that.
8. In the absence of a specific power, Section 137(2) of the Local Government Act 1972 specifically allows a council to contribute towards the costs of another local authority's functions. Therefore, a contribution could be made to a highway authority's costs in respect of such speed signs. The same goes for the power of wellbeing in Wales, which of course is subject to the section 137 spending limits.
9. Another possibility would be for a highway authority to delegate its function to a local under section 101 of the 1972 Act.
10. Local councils wanting to install CCTV need to comply with a number of laws including:
- Data Protection Act 2018;
 - The General Data Protection Regulation
 - Human Rights Act 1998;
 - Freedom of Information Act 2000;
 - Regulation of Investigatory Powers Act 2000;
 - Private Security Act 2001;

- Protection of Freedoms Act 2012 and
- Investigatory Powers Act 2016.

This could, in practice, make the use of CCTV complicated, for example it is a requirement of data protection legislation to notify people entering a CCTV protected area that the area is monitored by CCTV and that pictures are recorded. Any local council considering using CCTV should follow the guidance in the Surveillance Camera Commissioner's Surveillance Camera Code of Practice which can be found at:

<https://www.gov.uk/government/publications/surveillance-camera-code-of-practice>

and

In the picture: A data protection code of practice for surveillance cameras and personal information produced by the Information Commissioners Office, which can be found at: <https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>

Local councils should also be aware of the National Surveillance Camera Strategy for England and Wales issued in March 2017 by the Surveillance Camera Commissioner. Further information can be found at:

<https://www.gov.uk/government/publications/national-surveillance-camera-strategy-for-england-and-wales>.

Power to make grants

11. Local councils also have the power, under section 92 of the Police Act 1996 to make grants to any police and crime commissioner in their area (Mayor's Office for Policing and Crime in London). The grant may be subject to conditions if agreed by the Chief Constable. The police could use the grant, for example, to employ:

- Special constables;
- Police cadets; or
- Civilians (including Community Support Officers).

Guidance

12. In 2006 the Commission for Rural Communities published a document called "Parish and Town Councils working towards crime prevention - an evaluation

and good practice paper.” The paper pre-dates changes made to the 1998 Act and is therefore somewhat out of date but it contains ideas for crime reduction by local councils. The paper is available at:

<https://delta.bipsolutions.com/docstore/pdf/15157.pdf>

Other Legal Topic Notes (LTNs) relevant to this subject:

LTN	Title	Relevance
15	Legal Proceedings	Explains the power of a local council to commence legal proceedings.
38	Data Protection	Data protection legislation covers the use of CCTV images.
69	Anti-Social Behaviour and Harassment	Explains the provisions available to other bodies to deal with Anti-Social Behaviour and to combat harassment.