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UNIFORMED OPERATIONS BUSINESS AREA Licensing Working Group Simon O'Brien Commander, MPS	20 July 2009
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To: all Chief Constables and Commissioners

Dear Colleague

Re: CCTV in licensed premises

Following recent high profile cases the following advice is issued to all police forces.

The s182 Licensing Act Guidance states that:-

"The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises." (Guidance, Annex D)

Many licensees voluntarily install and use overt¹ CCTV on their premises, and often offer CCTV in their operating schedules or agree to police requests for CCTV in order to obtain a premises licence without a hearing.

CCTV is not a mandatory requirement for a premises licence, however, and may not be necessary for the prevention of crime and disorder (or other problems) at all licensed premises.

Conditions requiring the installation and use of CCTV systems in licensed premises have come under scrutiny in the press following the intervention of the Information Commissioner's Office in an application in which the applicant licensee successfully resisted the imposition of CCTV conditions.

Imposition of CCTV conditions

It is therefore important to note that where applicants do not volunteer or agree to the imposition of a CCTV condition, the decision-making principles that apply to all other issues

¹ This reminder note is limited to overt CCTV only, and does not deal with covert use of CCTV

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determined by the licensing sub-committee apply equally to CCTV conditions requested by responsible authorities and interested parties.

As with all conditions, the sub-committee should be satisfied that any CCTV condition proposed by the police, other responsible authorities or interested parties is necessary with regard to the particular circumstances of any individual premises. The Guidance makes it clear that conditions should not be applied universally and treated as standard conditions irrespective of circumstances (e.g. s182 Guidance, para 10.5).

If a CCTV condition is applied to a premises licence, whether by agreement or imposed at a hearing, it is then important to note the following comment from the Guidance:-

"Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time."

The Information Commissioner's Office emphasises that:-

"CCTV raises issues of privacy and data protection, which applicants are entitled to have considered when licensing sub-committees are deciding whether to impose CCTV conditions as a means of promoting the crime and disorder objective. This means that the sub-committees will have to take account of people's right to privacy and consider whether imposing CCTV is justified in the circumstances and proportionate to the problem it is designed to deal with."

The Information Commissioner's Office CCTV Code of Practice is available [here](#)

Useful link: Information Commissioner's Office: <http://www.ico.gov.uk/>

Other related information on CCTV:

The [National CCTV Strategy](#) was published in October 2007, and presents the results of a wide-ranging review of CCTV and its applications in the reduction of crime and in public safety. The LGA and the Information Commissioner are participating in the implementation of the strategy and one of its aims is to improve standards across England and Wales.

We hope this reminder is useful: please email any case-studies, feedback or comments to Adrian.studd@met.police.uk

Yours Sincerely

Cmdr Simon O'Brien
ACPO Lead on Licensing