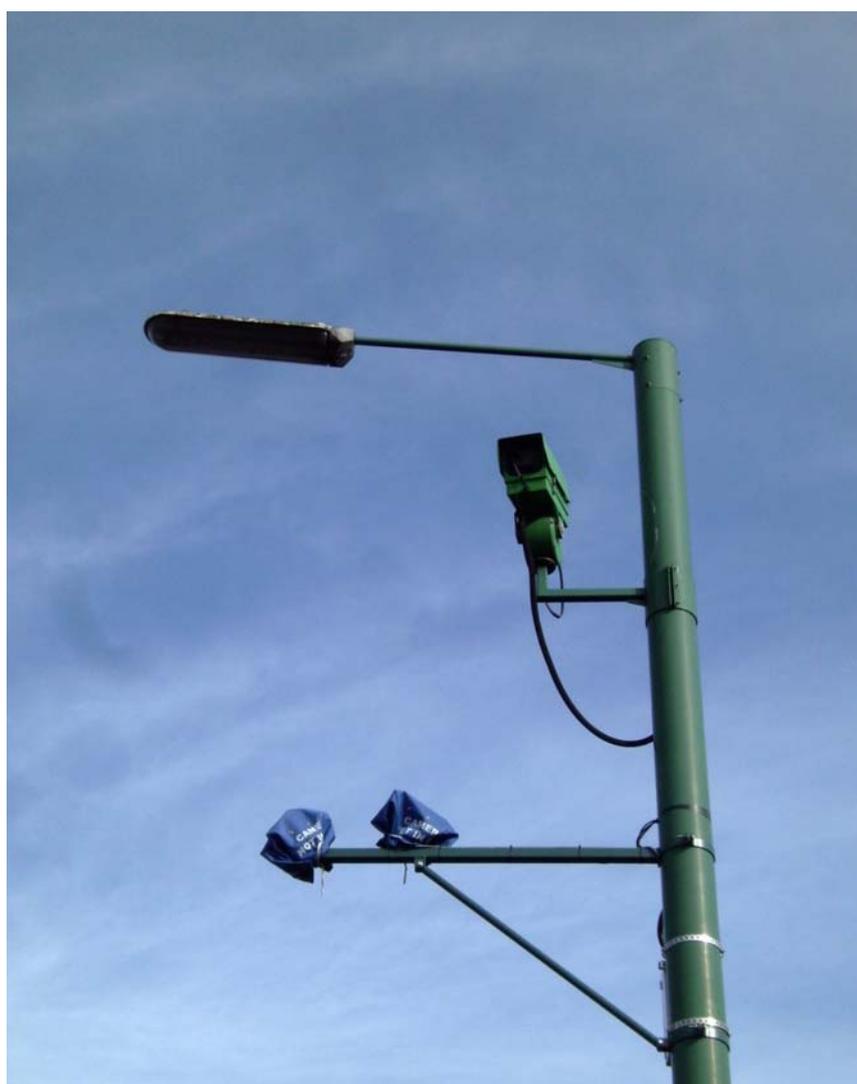




Project Champion: Scrutiny Review into ANPR and CCTV Cameras



A report from Overview & Scrutiny





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Reports that have been submitted to Council can be downloaded from www.birmingham.gov.uk/scrutiny.



Preface

By Councillor James Hutchings

Chairman, Local Services and Community Safety Overview and Scrutiny Committee



In 2005 this Committee produced an excellent Scrutiny Review into CCTV, to which reference will be made later in the report.

On 13th July 2010 a Scrutiny Review was set up to consider Project Champion in response to serious public concern. This Scrutiny performs the role of critical friend and aims to raise broader issues of public policy. I hope it does recognise and answer the concerns of the public.

It gives us no pleasure to criticise colleagues in the public service but things did go wrong. In July the Police recognised the problem and apologised.

Also on 13th July, the Chief Constable and Police Authority commissioned an independent review by Chief Constable Sara Thornton of the Thames Valley Police and announced that public consultation would take place to determine the future of the Project.

There was concern among some councillors and some members of the public that the Thames Valley Police review would be a whitewash. In the event it published its report on the same day that we concluded our report. It was definitely not a whitewash; it was detailed, comprehensive and critical of West Midlands Police (WMP). The Chief Constable accepted the findings of that report. I hope that the rebuilding of trust and confidence between WMP and the local communities will move on from here.

The Chief Constable felt that the City Council Scrutiny Review should take place after the Thames Valley Police review and the consultation had been completed. I felt the City Council Scrutiny should reflect public concern and take place while the subject was topical and relevant and that it could be carried out independently of and simultaneously with the Police review.

The Chief Constable did agree that West Midlands Police would give evidence to Scrutiny but would be prevented from answering questions on issues being covered by the Thames Valley Police review. It was a matter of regret that West Midlands Police were not able to give objective answers to both reviews. The inability to answer relevant questions was not helpful to the Scrutiny Review.

The Terms of Reference and some sources of evidence of the Scrutiny Review were different from those of the Police review. The conclusions of the Scrutiny report are critical of West Midlands Police and also of the other organisations involved.



It was fairly easy to be critical of where things had gone wrong but more difficult to answer the big question. Where is the line to be drawn between surveillance necessary for security, and excessive intrusive surveillance which threatens personal privacy and liberty? The storage and use of data is equally important and relevant. "The price of liberty is eternal vigilance" from an over mighty state.

In considering this report we should remember that in 2007 when Project Champion was initiated the country was in a state of high alert owing to the terrorist threat following the attempted Tiger Tiger Club bombing in London, the Glasgow airport attack and other incidents. West Midland Police were rightly considering all possible means to protect the public. We can be grateful that there have been no deaths since then but we should remember that the terrorist threat remains real. Although Project Champion was a bit calamitous that must not detract from support for so much good local police work.

This Scrutiny was carried out to a very tight time-scale after the summer holidays. This put additional load onto Committee members and more especially onto Scrutiny officers. I thank them all for their commitment and hard work. I would particularly like to thank Benita Wishart, the Scrutiny Manager, Amanda Simcox and Emma Williamson.

Quite clearly the mistakes of Project Champion must not be repeated.

The task ahead is for all the Authorities - West Midlands Police, West Midlands Police Authority, Birmingham City Council and the Safer Birmingham Partnership to work together to restore credibility and confidence.

In conclusion may I address the communities and residents who were so offended by Project Champion.

In response to your concerns all the Authorities have spent a great deal of time and energy investigating the Project very fully; all recognise that serious mistakes were made; all are committed to learning the lessons; all are committed to working together to restore trust and confidence.

It is equally essential that you, your leaders and your councillors work with the Authorities to achieve a successful outcome.



Summary of Recommendations

	Recommendation	Responsibility	Completion Date
R01	That all partners of the Safer Birmingham Partnership agree to the principles of: <ul style="list-style-type: none"> • A lead organisation being responsible for consultation on each project; • Consulting on community safety projects and strategies with Councillors and communities; and • Consultation being based on as accurate and complete information as is available; All partners should confirm that relevant community engagement strategies reflect these principles.	The Chair Safer Birmingham Partnership	May 2011
R02	That the City Council's Police Authority representatives inform, discuss and feedback to the Cabinet Member for Local Services and Community Safety on all relevant Police Authority business.	Cabinet Member for Local Services and Community Safety	May 2011
R03	That the City Council ensure that there is a Lead Officer representing the City Council's interests on community safety issues.	Cabinet Member for Local Services and Community Safety	May 2011
R04	That the Deputy Leader revisits reporting responsibilities to ensure that there are clear lines of accountability within the City Council in relation to community safety and counter terrorism matters.	Deputy Leader	March 2011
R05	That the Cabinet Member for Transportation & Regeneration establish a mechanism to ensure the Cabinet Member for Local Services and Community Safety is alerted to surveillance installations in the future (other than those for solely traffic monitoring purposes).	Cabinet Member for Transportation and Regeneration	March 2011
R06	That the Safer Birmingham Partnership review and strengthen reporting mechanisms to the Cabinet Member and ensure appropriate accountability for all decision-making.	The Chair of the Safer Birmingham Partnership	March 2011



R07	<p>That the Safer Birmingham Partnership revise and embed the Closed Circuit Television (CCTV) strategy to be relevant to Automatic Number Plate Recognition (ANPR) (other than those used solely for traffic monitoring purposes) plus other emerging technologies such as facial recognition and voice recording and perhaps aerial reconnaissance.</p>	<p>The Chair of the Safer Birmingham Partnership</p>	<p>November 2011</p>
R08	<p>That the Cabinet Member for Local Services and Community Safety writes to the Home Secretary to request Government to:</p> <ul style="list-style-type: none"> • Recommend that intensive surveillance schemes in residential area are not supported elsewhere; • Establish guidelines to assist achieving the correct balance between human rights and freedom from surveillance; and • Ask that the constitutional position of the Association of Chief Police Officers be considered. 	<p>Cabinet Member for Local Services and Community Safety</p>	<p>February 2011</p>
R09	<p>That the Cabinet Member for Local Services and Community Safety reports progress towards achievement of these recommendations to the Local Services and Community Safety Overview and Scrutiny Committee in June 2011. Subsequent progress reports will be scheduled by the Committee thereafter, until all recommendations are implemented.</p>	<p>Cabinet Member for Local Services and Community Safety</p>	<p>June 2011</p>



1 Introduction

1.1 Project Champion

1.1.1 Project Champion is a counter terrorism initiative in Birmingham managed by West Midlands Police and funded by the Home Office via the Association of Chief Police Officers' Terrorism and Allied Matters Committee (ACPO TAM). The Project consists of 216 surveillance cameras mainly within two wards: Washwood Heath and Sparkbrook, but affecting a further seven. The table below indicates numbers of cameras, but some posts may contain more than one camera:

There may be some sites / posts that carry two or three Automatic Number Plate recognition (ANPR) cameras together with a CCTV camera. This would enable three lanes of traffic to be covered by the fixed ANPR cameras and the Closed Circuit Television (CCTV) camera to be used independently to pan tilt and zoom throughout 360°.¹

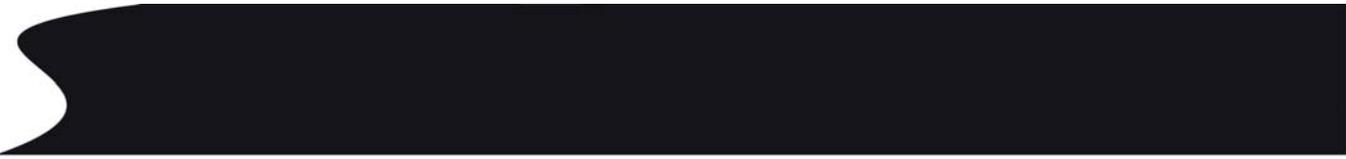
Table 1: Project Champion Cameras in Birmingham²

	ANPR cameras	CCTV cameras
Overt	106	38
Covert	64	8

1.1.2 In total nine wards have surveillance cameras within or on the boundary:

- Washwood Heath Scheme
 - Washwood Heath
 - Hodge Hill
 - Nechells
- Sparkbrook Scheme
 - Sparkbrook
 - Springfield
 - Kings Heath and Moseley

¹ Safer Birmingham Partnership, evidence tabled at Local Services and Community Safety Overview and Scrutiny Committee 25th August 2010



- Hall Green
- South Yardley
- Edgbaston.³

1.2 The Concerns

- 1.2.1 Since 17th April 2010 when the Project became known to the wider public there have been numerous concerns about the purpose and management of this project.⁴ These include the concentration of cameras in areas with large Muslim populations being discriminatory; unnecessary levels of surveillance; misinformation; and a lack of consultation.
- 1.2.2 It should be noted that there has been some support for the cameras. The West Midlands Police Authority stated that people have been getting in contact to express support for the Project⁵ and the Birmingham Mail claimed that “Washwood Heath Residents Back Use of CCTV”⁶ following a visit by Assistant Chief Constable Rowe and Chief Superintendent Manku to the area. We also note that there is general support (from residents and Councillors) for the appropriate use of CCTV within the City.

1.3 The Review

- 1.3.1 The terms of reference for this review are in Appendix 1. The key question for the review was:
- Is the installation of large numbers of CCTV and ANPR cameras concentrated in specific areas beneficial and justifiable?**
- 1.3.2 The keys lines of enquiry were two fold. The first key question was whether there are benefits for Birmingham in having localised concentrations of cameras. The second related to learning lessons from Project Champion in order to make recommendations for improving communication, Councillor and community consultation and partnership working.
- 1.3.3 The Scrutiny Review was conducted by Members of the Local Services and Community Safety Overview and Scrutiny Committee (O&S) Committee: Cllr James Hutchings (Chairman), Cllr Tahir Ali, Cllr David Barrie, Cllr Alex Buchanan, Cllr Gareth Compton, Cllr Nigel Dawkins, Cllr Ann Holtom, Cllr Carl Rice and Cllr Robert Wright.

³ Safer Birmingham Partnership Briefing to Local Services and Community Safety Overview and Scrutiny Committee, 13 July 2010

⁴ www.thestirrer.co.uk/April_10/secret-cameras-170410.html; www.birminghammail.net/news/birmingham-news/2010/04/17/mystery-cctv-lamp-posts-spark-outrage-in-moseley-97319-26259572/

⁵ Bishop Webley; Bordesley Centre, 4th August 2010

⁶ www.birminghammail.net/news/top-stories/2010/07/28/washwood-heath-residents-back-use-of-cctv-97319-26946202/



1.3.4 Two evidence gathering sessions were held on the 23rd and 25th August. We are grateful to the following for their participation:

- Cllr Ayoub Khan, Cabinet Member for Local Services and Community Safety;
- Cllr Alan Rudge, Cabinet Member for Equalities and Human Resources;
- Cllr Tanveer Choudhry, former Police Authority representative;
- Cllr Ernie Hendricks and Cllr Martin Mullaney, Moseley and Kings Heath Ward;
- Cllr Jerry Evans, Springfield Ward;
- Cllr Mohammed Ishtiaq, Sparkbrook Ward;
- Cllr Ansar Ali Khan; Washwood Heath Ward;
- Bishop Derek Webley, Chair, West Midlands Police Authority; Mr Brendan Connor, Lead for the Counter Terrorism Unit Executive Project Board; Jonathan Jardine, Policy Manager, West Midlands Police Authority;
- Stephen Hughes, Chief Executive, Birmingham City Council;
- Jackie Russell, Director, Safer Birmingham Partnership;
- Colin Murphy, Public Reassurance Officer (CCTV), Safer Birmingham Partnership;
- Assistant Chief Constable Sharon Rowe, West Midlands Police, (who regrettably had instructions not to respond to questions relating to issues that might be covered by the Thames Valley Police Review).

1.3.5 West Midlands Police and the West Midlands Police Authority commissioned Chief Constable Sara Thornton of the Thames Valley Police to carry out a review of their involvement. This was published on 30th September 2010 and contains much material of interest.⁷ It can be read alongside this report. However, this Scrutiny Review had largely been concluded prior to that publication.

1.4 Scrutiny Review of CCTV in Birmingham (2005)

1.4.1 In February 2005, the Local Services and Community Safety O&S Committee presented a report on CCTV in Birmingham to the City Council meeting.⁸ The report noted the growth in CCTV over the previous twenty years as being a period of experimentation, technical improvement and gradual piecemeal development. During this period the United Kingdom led the way with the wide scale adoption of CCTV systems in most, if not all major cities, to reduce crime and to make citizens feel

⁷ Thames Valley Police / Sara Thornton (2010) *Project Champion Review*. At: www.west-midlands-pa.gov.uk/documents/main/7/Project_Champion_Review.pdf

⁸ At: www.birmingham.gov.uk/cs/Satellite?c=Page&childpagename=Scrutiny-Office%2FPPageLayout&cid=1223092748207&pagename=BCC%2FCommon%2FWrapper%2FWrapper



safer. Cardiff, Glasgow and Birmingham were the most commonly quoted examples of areas where CCTV has been put to good use.

- 1.4.2 Public support for schemes was noted: indeed the Scrutiny Review found that most schemes are set up in response to the demands of local residents and traders. This was in contrast to some Scandinavian countries where its use was confined to very limited situations on the grounds of human rights and invasion of privacy.
- 1.4.3 The working group found surprisingly little scientific evaluation of the links between the introduction of CCTV and significant reductions in crime. However, there was anecdotal evidence to suggest that a new CCTV installation would reduce crime overall rather than merely displace it. They also noted the importance of CCTV in Police work.
- 1.4.4 CCTV was found to be universally accepted as making areas feel safer. Even though the rationale may not have been entirely sound, this “feel safer” factor often drove local demands for new CCTV installations.
- 1.4.5 The report noted the partnership working within Birmingham and the West Midlands in relation to CCTV. This involved the Police, Centro, Travel West Midlands (now National Express West Midlands), the City Centre Partnership and the City Council. Members concluded:

While this is to be applauded the arrangements have varying degrees of formality. There is a real need not only for each organisation to have a clear understanding of how it will use CCTV but the organisations need to work together for the common good. The City Council should play a key role in making this happen.⁹
- 1.4.6 The report made a number of constructive proposals around better evaluation of existing schemes in order to understand the benefits better and the need for better co-ordination between partners. The key outcome was the introduction of the Birmingham Public Space CCTV Strategy in 2008. This is discussed in more detail in the next chapter.

⁹ *Scrutiny Review of CCTV in Birmingham*, Birmingham City Council, 1st February, 2005



2 Policing and ANPR

2.1 Police ANPR Strategy

2.1.1 There is a National Strategy for ANPR for the Police. It indicates the use made of the technology:

The use of ANPR technology was for a period of 20 years largely restricted to counter terrorism purposes however, since 2002 the Home Office Police Standards Unit (PSU) and the Association of Chief Police Officers (ACPO) have ensured considerable development of ANPR as a core policing tool.¹⁰

2.1.2 It also states that a strategic ACPO aim is to “target criminals through their use of the roads”.

2.1.3 The primary aims which were felt to be achieved through ANPR are: reducing crime and terrorism; increasing the number of offences brought to justice; reducing road traffic casualties; making the public feel safer and more confident in the police service; and making more efficient use of police resources. The report contains a number of milestones with the last being that by March 2010 ANPR would be embedded into core police business.

2.1.4 The ACPO role in building ANPR capability has been documented:

The intensification of surveillance of the motorist is set to expand rapidly. In March 2005, the Association of Chief Police Officers demanded a national network of Automatic Number Plate Recognition (ANPR) ‘utilising police, local authority, Highways Agency, other partner and commercial sector cameras’ including the integration of the existing town centres and high street cameras, with a National ANPR Data Centre, with an operational capacity to process 35 million ANPR reads every day increasing to 50 million by 2008, stored for two years.¹¹

2.2 CCTV in Birmingham

2.2.1 In 2008, Birmingham City Council introduced a Public Space CCTV Strategy to “establish a regulatory regime that will start to drive up standards and protect the public from misuse of CCTV

¹⁰ ACPO (2007) *ANPR Strategy for the Police Service - 2007/2010*. At: www.whatdotheyknow.com/request/17658/response/43138/attach/2/ANPR%20Strategy%20for%20the%20Police%20Service%202007%202010.doc

¹¹ Wood, D et al (2006) *A Report on the Surveillance Society* (for the Information Commissioner). At: www.ico.gov.uk/upload/documents/library/data_protection/practical_application/surveillance_society_full_report_2006.pdf



systems.” Whilst this was after Project Champion had been agreed, we would nevertheless have expected the key elements of the strategy to have been adhered to by the partners.

2.2.2 A number of the key strategic priorities set out in the strategy are pertinent to our Scrutiny Review of Project Champion, notably:

- Priority for the introduction of future community safety public space CCTV schemes will be assessed in accordance with the ‘Operational Requirement Analysis’;
- All new public space CCTV proposals will be required to complete a full ‘Operational Requirement Assessment’ and be subject to an agreed appraisal process to ensure compliance with Home Office/Association of Chief Police Officers National CCTV Standards. New systems must be appraised as fit for purpose;
- It will be mandatory for all public space CCTV schemes receiving local authority funding to agree to abide by the requirements of the ‘Birmingham Public Space CCTV Strategy’;
- All proposals for new, or extensions of, existing public space CCTV schemes will be required to consult with the community and fully consider their views in any decisions made; and
- All public space CCTV schemes should be governed by robust Service Level Agreements (SLAs), detailing the responsibilities and guaranteeing the commitment of all partner agencies involved.

2.2.3 Whilst the strategy covers Birmingham City Council schemes, it does emphasise the need to work closely with the Police and other agencies for the full benefits to be realised.

2.2.4 The strategy also notes the development, by the Police, of ANPR technologies and states that:

The Birmingham Control Centre should have full ANPR capability so that it is in a position to support any future enforcement.

2.2.5 With regards to the future of technology it also notes:

Public Space CCTV systems were never designed or intended as an anti-terrorist tool, but they have proved exceptionally useful in this role, as ever-present silent witnesses! It is possible that in the future we will see Public Space CCTV cameras supplemented with dedicated anti-terrorist cameras in high profile locations, indeed that process may already have begun.

Public Support for CCTV

2.2.6 Residents across Birmingham continue to call for CCTV to be installed in their neighbourhoods and many Councillors have expressed support for CCTV cameras in the right places with consultation. For example, a Councillor for Sparkbrook stated that:



As ward councillors we regularly support resident groups who want CCTV cameras in order to protect themselves and their property. CCTV cameras are there because the local community believes they will help to tackle general crime and anti-social behaviour. We are not opposed to CCTV cameras.¹²

2.2.7 Equally, a Councillor for Kings Heath and Moseley has indicated that:

CCTV could be a useful tool to combat crime, particularly in shopping areas and when residents were on board¹³ (and that) there had been 93% support for a CCTV scheme in Moseley Village.¹⁴

2.2.8 The Safer Birmingham Partnership notes that across the City surveys indicate that public support for CCTV is 90%.¹⁵

2.3 What Evidence is there of Effectiveness?

2.3.1 There is an ongoing debate about the merits and effectiveness of these technologies. A Home Office study¹⁶ concluded that:

The CCTV schemes that have been assessed had little overall effect on crime levels. In summary, CCTV produced few cost-benefits.

2.3.2 However, this research suggests this was more to do with the schemes' aims and their implementation, rather than a failure of technology itself.

2.3.3 The Campbell Collaboration¹⁷ carried out international research and reported in 2008. Its conclusions indicated that:

CCTV has a modest but significant desirable effect on crime, is most effective in reducing crime in car parks, is most effective when targeted at vehicle crimes (largely a function of the successful car park schemes), and is more effective in reducing crime in the U.K. than in other countries. We conclude that CCTV

¹² Sparkbrook Ward Chair. Preamble to Local Services and Community Safety Overview and Scrutiny Committee, 25th August 2010

¹³ Hall Green Constituency Committee Minutes 8th June 2010 included in evidence to Local Services and Community Safety Overview and Scrutiny Committee 23rd August 2010

¹⁴ Moseley and Kings Heath Ward Committee Minutes 9th June 2010 included in evidence to Local Services and Community Safety Overview and Scrutiny Committee 23rd August 2010

¹⁵ Safer Birmingham Partnership CCTV Reassurance Officer. Minutes Local Services and Community Safety Overview and Scrutiny Committee 23 August 2010.

¹⁶ Gill, M. & Spriggs A. (2005) *Assessing the Impact of CCTV*. Home Office. At: rds.homeoffice.gov.uk/rds/pdfs05/hors292.pdf

¹⁷ An international research network that produces systematic reviews of the effects of social interventions. Its International Secretariat is in Oslo and is hosted by the Norwegian Knowledge Centre for the Health Services.



surveillance should continue to be used to prevent crime in public space, but that it be more narrowly targeted than its present use would indicate.¹⁸

2.3.4 This finding might be contrasted with a further study from the Campbell Collaboration which concludes that:

Improved street lighting significantly reduces crime, is more effective in reducing crime in the United Kingdom than in the United States, and that night-time crimes do not decrease more than daytime crimes. We conclude that improved street lighting should continue to be used to prevent crime in public areas. It has few negative effects and clear benefits for law-abiding citizens.¹⁹

2.3.5 A pilot project conducted by the Police (Laser 2) provides some evidence as to the effectiveness of ANPR. However, it would be incorrect to expect similar findings for Project Champion, as in our understanding this pilot was carried out using hand held and in-car ANPR technology, not the fixed cameras which characterise Project Champion. An evaluation of the Laser 2 in 2003/04 found that:

ANPR has been shown to be three times more effective at bringing offences to justice compared to conventional policing.

It was found that an average ANPR full time equivalent will contribute around 31 offences per annum towards the Government's Offences Brought to Justice (OBTJ) target – this is over three times the rate for conventional policing.²⁰

2.3.6 The ANPR intercept teams stopped a total of 180,543 vehicles. From these stops, the intercept officers:

- arrested 13,499 persons, including:
 - 2,263 arrests for theft and burglary
 - 3,324 arrests for driving offences (for example driving whilst disqualified)
 - 1,107 arrests for drugs offences
 - 1,386 arrests for auto crime (theft from and of vehicles)
- recovered or seized property, including:
 - 1,152 stolen vehicles (valued at over £7.5 million)

¹⁸ Campbell Collaboration (2008) *Effects of Closed Circuit Television Surveillance on Crime*. At: www.campbellcollaboration.org/library.php

¹⁹ Campbell Collaboration (2008) *Effects of Improved Street Lighting on Crime*. At: www.campbellcollaboration.org/library.php

²⁰ PA Consulting (2004) *Driving Crime Down: Denying criminals the use of the road*. Home Office / ACPO. At: www.popcenter.org/problems/residential_car_theft/PDFs/Henderson.pdf



- 266 offensive weapons and 13 firearms
- drugs worth over £380,000 from 740 vehicles
- stolen goods worth over £640,000 from 430 vehicles
- issued fixed penalty notices, including:
 - 22,825 tickets for failing to display Vehicle Excise Duty (VED)
 - 6,299 for no insurance
 - 1,496 for no MOT
 - 20,290 for a variety of offences, including not wearing a seat belt, using a mobile telephone whilst driving.

2.3.7 Phase 2 of Operation Refrain was the introduction of a force-led ANPR operation in December 2008 in one Operation Command Unit area – F1 (Central Birmingham).²¹ This led to 217 offenders arrested, 352 vehicles seized and 2,300 vehicles stopped and checked.²² A graph of crime detection rates of that period indicates that detection increased by over 4% in a three month period at that time, which appears higher than any period since February 2005.

2.3.8 However, we understand this was also carried out with hand held ANPR technology and is therefore different to the Project Champion approach. In addition, there was a dedicated response capability provided, consisting of motorcyclists from the Strategic Road Policing unit, from Operational Command Units, Operational Support Unit, Dog Units and Air Operations Unit.²³

2.3.9 Operation Interception was carried out in November and December 2009 across a wider area, but also with additional dedicated resources. Over 300 vehicles were seized and 83 arrests were made. Its intention was to:

Provide a highly visible police presence in identified areas to increase public trust and confidence and reduce acquisitive crime.²⁴

2.3.10 The accuracy of the cameras was explored in 2004, and even if the technology has improved there are still concerns about the accuracy of the DVLA database:

The accuracy read is around 96%, which may sound high, however, even if only one percent of licence plates are incorrectly read and recorded on the data base,

²¹ West Midlands Police Authority Crime Performance and Operations Committee, *Operations Department Update*. 28th January 2010. At: www.west-midlands-pa.gov.uk/documents/committees/public/2010/06_PerfandOps_28Jan2010_Operations_Update.pdf

²² Presentation by Inspector Borg to Hall Green Constituency Committee 8th June 2010. Included in evidence to Local Services and Community Safety Overview and Scrutiny Committee 23rd August 2010.

²³ West Midlands Police Authority Crime Performance and Operations Committee Minutes 29th January 2009.

²⁴ Ibid



this would mean potentially up to half a million erroneous number plates logged each day.²⁵

2.4 Surveillance and Human Rights

2.4.1 There is an on-going discussion about the correct balance between civil liberties and surveillance to address criminal and anti-social behaviour. One issue of debate is the extent to which surveillance does infringe privacy and whether law abiding citizens can reasonably object. The Government has made a commitment to re-examine the balance between civil liberties and national security.²⁶ The Home Secretary is quoted as saying:

'National security is the first duty of government but we are also committed to reversing the substantial erosion of civil liberties. I want a counter terrorism regime that is proportionate, focused and transparent. We must ensure that in protecting public safety, the powers which we need to deal with terrorism are in keeping with Britain's traditions of freedom and fairness.'²⁷

2.4.2 A report for the Information Commissioner discusses how the computer technology has improved and enabled huge databases for national projects to be developed and sifted for information.²⁸ However, the Information Commissioner has suggested that in developing any national project the Home Office should explicitly address key questions relating to the collection and use of personal information. These questions should include:

- Where should the balance lie between protecting the public and preserving individual liberty?
- What impact will there be on the individual and society as a whole?²⁹

2.4.3 He goes on to state that:

Sadly, there have been too many developments in this area where these questions have not been fully addressed. There has not been sufficient openness or transparency before initiatives have been launched, and there has not been sufficient public debate – in Parliament or elsewhere. Examples include the ... setting up a single national data centre to retain details of all vehicle movements

²⁵ Surveillance Studies Network September (For the Information Commissioner) (2006) *A Report on the Surveillance Society*. At: www.ico.gov.uk/upload/documents/library/data_protection/practical_application/surveillance_society_full_report_2006.pdf

²⁶ Written answer Baroness Neville-Jones (Minister of State (Security)). 26th July 2010. At: www.theyworkforyou.com/wrans/?id=2010-07-26a.303.3&s=anpr#g304.0

²⁷ www.egovmonitor.com/node/37440. [

²⁸ Surveillance Studies Network September (For the Information Commissioner) (2006) *A Report on the Surveillance Society*.

²⁹ Speech of Richard Thomas, Information Commissioner, 15th July 2008.

At: www.ico.gov.uk/upload/documents/pressreleases/2008/annual_report_2008_rt_speech.pdf



captured by the increasing number of Automatic Number Plate Recognition (ANPR) cameras.³⁰

- 2.4.4 We are unaware of anywhere else in the country (other than Project Champion) with such a high concentration of cameras in a small area. This is supported by an early day motion in the House of Commons:

This House ... is mindful of the fact that Birmingham is the only example, to date, where this [ANPR] technology has been employed to monitor a community.³¹

2.5 Legislation

- 2.5.1 We can see that technology is enabling the collection of personal data to increase. The key areas of legislation that constrain data collection and use are noted below. We are concerned whether legislation is adequately keeping up with technological developments; whether or not it is enabling a Big Brother State; and if that is the type of society we want and need.

Human Rights Act 1998

- 2.5.2 Article 8 of Schedule 1 protects an individual's right to respect for private and family life, although the legislation balances this against needs for national security and crime and disorder. There is, therefore a need to ensure proportionality.

- 2.5.3 The Police's own advice on this is:

In determining whether the use of equipment is proportionate, the deploying officer must consider the purpose of deployment and the necessity of its use for the offence being investigated as compared with the impact on the individual's rights under the HRA.³²

Data Protection Act (DPA), 1998

- 2.5.4 ANPR data is classed as personal data under the DPA and therefore use of such data needs to be compliant with this legislation and the principles contained within it.³³ The Principles of the DPA are:

³⁰ Ibid

³¹ Roger Godsiff MP, 14 June 2010. Cited in briefing from Safer Birmingham Partnership to Local Services and Community Safety Overview and Scrutiny Committee. 13 July 2010.

³² National Policing Improvement Agency (2009) *Practice Advice on the Management and Use of Automatic Number Plate Recognition*. (Produced on behalf of ACPO). At: library.npia.police.uk/docs/acpo/ANPR-2009.pdf

³³ Ibid



- Fairly and lawfully processed (National Policing Improvement Agency / Association of Chief Police Officers advice suggests the need for signage of overt ANPR cameras³⁴);
- Processed for limited purposes;
- Adequate, relevant and not excessive;
- Accurate and up to date;
- Not kept for longer than is necessary;
- Processed in line with your rights;
- Secure; and
- Not transferred to other countries without adequate protection.³⁵

2.5.5 In the National Policing Improvement Agency / Association of Chief Police Officers' practice notes about ANPR there is a question asking if motorists will be able to see information held on them by Police. The response is:

Data protection law will apply to any records associated with ANPR, the same as any other policing activity.³⁶

Regulation of Investigatory Powers Act 2000 (RIPA)

2.5.6 RIPA places constraints upon the covert surveillance by specified public authorities and RIPA procedures do provide an important role in the scrutiny of covert surveillance. The Government's counter terrorism strategy suggests:

Because interception and covert surveillance intrude on privacy it is vital that there should be strict rules governing their use and independent oversight of how those rules are applied.³⁷

2.5.7 The Police advice regarding ANPR is:

If the deployment of ANPR is overt then RIPA will not apply. Covert deployments against named targets, are, however likely to require a directed surveillance authority.

³⁴ National Policing Improvement Agency (2009) *Practice Advice on the Management and Use of Automatic Number Plate Recognition*. (Produced on behalf of ACPO). At: library.npia.police.uk/docs/acpo/ANPR-2009.pdf

³⁵ www.ico.gov.uk/what_we_cover/data_protection/the_basics.aspx

³⁶ A National Policing Improvement Agency (2009) *Practice Advice on the Management and Use of Automatic Number Plate Recognition*.

³⁷ HM Government (2009) *Pursue Prevent Protect Prepare: The United Kingdom's Strategy for Countering International Terrorism*. At:

webarchive.nationalarchives.gov.uk/20100418065544/http://security.homeoffice.gov.uk/news-publications/publication-search/contest/contest-strategy/contest-strategy-2009?view=Binary



2.6 Policing and Communities

Trust and Confidence

2.6.1 Improving trust and confidence in the Police is one of the seven strategic priorities set out in the West Midlands Strategic Policing Plan 2009-12.³⁸ The actions underpinning this include: engaging communities, delivering a citizen focused service, building confidence and harmony within communities, and identifying and addressing gaps in service delivery. West Midlands Police recently emphasised the importance of the public's trust and confidence and made it clear that this underpinned recent restructuring of the service under Programme Paragon:³⁹

To help focus what we do, we have moved away from the traditional 'tick box' culture of simply measuring performance against a wide range of topics – we now have only one performance measure and that is to increase people's trust and confidence in their police. I believe we can do this by concentrating our efforts on those local issues.⁴⁰

2.6.2 The need for community engagement and police accountability to be part of this process are outlined in a Home Office research paper:

It can be argued that increasing citizen involvement in policing and the strengthening of local accountability are important strategies for building trust and confidence in the police.⁴¹

Counter Terrorism

2.6.3 We accept that counter terrorism policing is a complicated arena. It is one where policing interventions are needed at an earlier stage (such as when plots are developed, rather than after atrocities have been carried out). This does, arguably change the nature of intelligence and surveillance required for this type of policing. It is also an area where local needs and considerations may need to be balanced against wider needs and considerations.

2.6.4 The current 'Contest' National Strategy for Counter Terrorism (March 2009) sets out four workstreams:

- *Pursue*: to stop terrorist attacks (through gathering of intelligence etc);

³⁸West Midlands Police & West Midlands Police Authority. At: www.west-midlands.police.uk/pdf/corporate-publications/annual-reports/Strategic_Policing_Plan_2009-2012.pdf

³⁹ An organisational change programme for West Midlands Police

⁴⁰ www.west-midlands.police.uk/latest-news/press-release.asp?id=1678

⁴¹ Docking, M (2003) *Public Perceptions of Police Accountability and Decision Making*. Home Office. At: rds.homeoffice.gov.uk/rds/pdfs2/rdsolr3803.pdf



- *Prevent*: to stop people becoming terrorists or supporting violent extremism;
- *Protect*: to strengthen our protection against terrorist attack (protecting crowded places against terrorist attacks); and
- *Prepare*: where an attack cannot be stopped, to mitigate its impact.⁴²

2.6.5 Each of these four workstreams has links to an area of City Council work. The table below sets out the relevant departmental link arrangements for councillors and officers. It should be noted that responsibility for providing strategic direction to the work to counter the threat from international terrorism sits within the Office for Security and Counter Terrorism, which is part of the Home Office.⁴³

Table 2: Contest: Birmingham City Council Departmental Link Arrangements

	Political Link	Link Officer	Department
Pursue	Cabinet Member for Local Services and Community Safety	Director Safer Birmingham Partnership (No City Council specific Link Officer)	Safer Birmingham Partnership
Prevent	Cabinet Member for Equalities and Human Resources	Assistant Director of Equalities and Human Resources	Equalities
Protect	Deputy Leader	Strategic Director of Environment and Culture	Birmingham Resilience Team
Prepare	Deputy Leader	Strategic Director of Environment and Culture	Birmingham Resilience Team

2.6.6 The Counter Terrorism Command of the Metropolitan Police coordinates regional, national, and international UK police work on counter terrorism. Police Counter Terrorism Units (CTUs) are situated in Birmingham, Manchester, Leeds and Thames Valley.⁴⁴ The Chief Constable of West Midlands Police has the direction and control of the West Midlands Counter Terrorism Unit. The national strategy notes that accountability for counter terrorism policing is broad:

Counter terrorism policing is overseen by a tripartite arrangement comprising:

- The Home Secretary – who is responsible for overall funding and setting strategic priorities;

⁴² HM Government (2009) *Pursue Prevent Protect Prepare: The United Kingdom's Strategy for Countering International Terrorism*. At:

webarchive.nationalarchives.gov.uk/20100418065544/http://security.homeoffice.gov.uk/news-publications/publication-search/contest/contest-strategy/contest-strategy-2009?view=Binary

⁴³ The strategy says that delivery requires close cooperation between a wide range of organisations and stakeholders: local authorities, Government Departments, Devolved Administrations, the Police etc.

⁴⁴ <http://www.thamesvalley.police.uk/joinus/join-sectu.htm>



- Chief Constables – who have operational responsibility for policing in their geographic area and who are collectively represented at the national level by Association of Chief Police Officers;
- Police Authorities – who are responsible for ensuring that an effective and efficient police service is in place in their area.

2.6.7 There is currently a national review of counter terrorism and security powers. The purpose of the review is to:

Look at the issues of security and civil liberties in relation to the most sensitive and controversial counter terrorism and security powers and, consistent with protecting the public and where possible, to provide a correction in favour of liberty.⁴⁵

⁴⁵ www.homeoffice.gov.uk/publications/counter-terrorism/ct-terms-of-ref/counter-terrorism-terms-of-ref?view=Html



3 Informing and Consulting

3.1 West Midlands Police and the Police Authority

3.1.1 We have been unable to identify a set of rules or a strategy relating to engagement and consultation from West Midlands Police, but the Police Authority Community Engagement Strategy 2006-9 says that the Authority has a legal duty to consult:

Section 96 of the Police Act 1996 states that arrangements must be made in each police area to obtain the views of people in that area about matters concerning the policing of that area, and to obtain people's co-operation with the police in preventing crime in that area.

3.1.2 The Community Engagement Strategy goes on to say that community engagement should involve:

The two way exchange of information and this can only be achieved through an open and accountable consultation process whereby individuals and groups can participate in decision making and influence the outcomes of a policy or decision.

3.1.3 It also reminds us that:

Good information for those impacted by the issue and potential participants will result in better understanding, more informed input, better access to the process and a greater sense of ownership of the process and outcomes.

3.1.4 The West Midlands Police Authority accept that their responsibility is to ensure that Police Force consultation and engagement is appropriate and effective.

3.1.5 We note that there is no mention of Councillors in this strategy, although we note that the West Midlands Police Authority have taken steps to improve engagement with Councillors in the seven local authority areas through scrutiny, meeting Council leaders and Cabinet Members with community safety responsibilities.

3.1.6 The West Midlands Police Authority firmly believes that there are limits to community engagement and consultation. Their Chair told us:

The police enforce the law, and they must have professional autonomy in deciding how best to do this. The operational independence of policing is central to maintaining their freedom from political interference. I believe in policing by consent – the police cannot do their jobs as effectively without the public supporting their work – but that's not the same as policing with



permission. If there is a threat or risk, then the police must respond. That response will be enhanced if it is informed by information from the public, but does not give anyone, wherever they live, a veto on whether the police should act. The impartiality of the police is just as central to effective policing – and policing we can trust – as consultation and engagement.⁴⁶

3.1.7 The principle of policing by consent is developed further by an academic who says it is as:

Relevant to counter terrorism as to any other area of law enforcement. The Police and Security Service cannot act without the consent of the communities they are there to protect, because they need communities to extend to them the benefit of the doubt when they make mistakes, and to forgive them infringements of civil liberties that might happen in the heat of the moment (although civil liberties should be fiercely guarded at all times). The nature of the threat from Al-Qaeda, which is determined to cause maximum damage without warning, compels the police to intervene much earlier than they would in other circumstances, which increases the likelihood of mistakes. Sustaining an effective response over the long term will not be possible without the trust and partnership of Muslim communities.⁴⁷

3.1.8 The Association of Chief Police Officers' (ACPO) ANPR strategy says little about engagement and information other than an intent to:

Provid[e] a communication plan to raise awareness of ANPR and its benefits.⁴⁸

3.1.9 ACPO with the National Policing Improvement Agency have produced guidance on the Management and Use of ANPR. It outlines ACPO's policy lead's advice on the provision of information to the public through the media:

It continues to be desirable for ANPR media enquiries to be answered as fully and openly as possible. This is in order to ensure positive messages about the benefits of ANPR are communicated to the public and any public concerns about its use are allayed. However, there are boundaries that we would not wish to breach such as the specific locations of ANPR capture devices, the operational tactics employed and some of the analytical capabilities of the systems that we

⁴⁶ Bishop Webley, Local Services and Community Safety Overview and Scrutiny Committee. Minutes 25 August 2010

⁴⁷ Briggs, R (2010) 'Community Engagement for Counterterrorism: Lessons from the United Kingdom'. *International Affairs*. Vol 86. Issue 4. At: onlinelibrary.wiley.com/doi/10.1111/j.1468-2346.2010.00923.x/pdf

⁴⁸ ACPO (2007) *ANPR Strategy for the Police Service - 2007/2010*. At: www.whatdotheyknow.com/request/17658/response/43138/attach/2/ANPR%20Strategy%20for%20the%20Police%20Service%202007%202010.doc



use to support ANPR. ... The failure or refusal to respond to such enquiriesraises the risk that uninformed reporting takes place and conveys the impression that the police may perhaps be trying to hide something. Whilst the prevention and detection of crime is paramount, public support for what we are doing is also very important and I would ask you to take this into consideration when establishing local policy.⁴⁹

3.1.10 In the appendix entitled “Proposed Media Lines to Take” there is a question: Will you be publishing where ANPR sites are published? The advised answer is:

No. This would defeat the purpose of them – criminals would avoid these areas. If motorists are law abiding, they need have no concerns as to where the devices may be sited.

3.2 Community Engagement about Counter Terrorism

3.2.1 The Research, Information and Communications Unit within the Office for Security and Terrorism provides information on communicating issues relating to counter terrorism.⁵⁰ Little information is publicly available.

3.2.2 The Metropolitan Police Authority carried out a year long inquiry into this issue (including holding many community meetings) and published a report “Counter Terrorism: the London Debate” in March 2007.⁵¹ The report argued that the benefits of community engagement in counter terrorism are wide ranging from enabling the community to inform the police of their issues and tensions; to seeking policy direction and strategic steer on counter terrorism for the police from the public; and enabling better management of public expectations when it comes to police counter terrorist activities. Positive outcomes from community engagement also include ideas from the public of new ways of working, and building of social capital.

3.2.3 The aim of the debate was to develop a strategy and policy framework for police community engagement to counter terrorism. Recommendations included that the Police should consider what they can say when it comes to counter terrorism, not what it cannot; that local Councillors should be involved in police counter terrorism work; and that the Police should replicate successful local models of community engagement.

⁴⁹ National Policing Improvement Agency (2009) *Practice Advice on the Management and Use of Automatic Number Plate Recognition*. (Produced on behalf of ACPO) At: <http://library.npia.police.uk/docs/acpo/ANPR-2009.pdf>

⁵⁰ www.powerbase.info/index.php?title=RICU

⁵¹ Metropolitan Police Authority (2007) *Counter Terrorism: the London Debate*. At: www.mpa.gov.uk/downloads/publications/counterterrorism/ctld-22feb07.pdf



3.2.4 The West Midlands Police Authority has agreed to develop a strategy regarding community engagement around counter terrorism, but we are not aware if this has been completed.⁵²

3.3 Birmingham Open Space CCTV Strategy 2008

3.3.1 The 2008 Birmingham Public Space CCTV Strategy notes that although there is strong public support for CCTV for improving community safety “it would be wrong to take this support for granted”:

The consent of the public is essential to the effective operation of a public space CCTV system; if they considered it was intrusive or oppressive, their co-operation and consent could evaporate.

3.3.2 The Strategy notes the lack of public support for speed enforcement cameras and the concerns residents have about the ability of cameras to see into adjacent houses and gardens. And not all communities welcome CCTV, as the experience in the two ‘New Deal for Communities’ Regeneration areas in Birmingham demonstrate – though with different outcomes:

1. The community within the Kings Norton, Three Estates area elected not to introduce CCTV cameras onto their estates;
2. In Aston however, transparent community engagement overcame opposition to some schemes:

Aston Pride is a good example of where effective consultation and engagement helped overcome concerns regarding a project for the installation of 35 column mounted cameras and a further 6 redeployable cameras. There was initially a great deal of concern from community leaders in a predominantly Asian Community. The community concerns were addressed through effective community consultation at a number of levels, which included public meetings, a survey of local resident and businesses on the perceptions of community safety issues together with a number of visits by representatives of the local community to the Highways Control Centre. This process and the reassurance of the local authority and people working within Aston Pride led to the successful introduction of the CCTV scheme which is now in its tenth year.⁵³

3.3.3 The Strategy concludes that the community should be fully informed of any proposals and any concerns expressed should be fully considered.

⁵² West Midlands Police Authority, *Report of the Chief Executive. Counter Terrorism and Authority Consultation.*, 22nd November, 2007

⁵³ Written evidence tabled at Local Services and Community Safety Overview and Scrutiny Committee 25th August 2010, Parking and Services Division



4 The History of Project Champion

4.1 Context

4.1.1 The background to the development of the project was the London bombings of July 2005 and the attempted London and Glasgow airport bombings of June 2007. There had also been allegations of terrorist connections in Birmingham at that time. This chapter describes key stages in the development and implementation of the Project.⁵⁴

4.2 Inception of the Project

Funding Application

4.2.1 The capital funding for this scheme came from the Home Office via the committee dealing with Terrorism and Allied Matters of the Association of Chief Police Officers (ACPO TAM).

4.2.2 The application for Project Champion funding by ACPO TAM (undated) is headed "Strategic Outline Business Case" and indicates that Assistant Chief Constable Patani was the Lead. The business case states that the UK is facing a serious and sustained terrorist threat from international terrorism and that the West Midlands contains features of vulnerability. (We assume this refers to the two geographical areas targeted by the Project, but this information is redacted). The vision statement is stated as being:

- Creating a 'net' of ANPR to capture target vehicle movements of subjects entering, leaving or within two distinct geographical areas within the City of Birmingham;
- Functionality to support evidential capture of imagery from a limited number of CCTV cameras installed in combination with a selective number of ANPR installations;
- Project management of this additional capability....being delivered under appropriate local authority planning permissions and without harming relations with local communities; and
- Delivering an infrastructure for data capture and retention.

4.2.3 It is clear, therefore, that from the beginning the aim of the Project was to focus on two distinct geographical areas within Birmingham.

4.2.4 It notes that the West Midlands Counter Terrorism Unit (CTU) was responsible for project initiation and project plan delivery. The potential role of the City Council was set out as being "permissions and approvals" and as a "potential source of external funding."

⁵⁴ The Thames Valley Police report has a detailed time line, which also sets out key discussions between Police Officers.



4.2.5 At that point in time a critical success factor was noted as being obtaining planning consents for the installations and one of the four identified risks was not obtaining planning consents. (Section 4.3 will indicate that due to Birmingham City Council involvement planning consents were not required). A further risk identified was the disclosure of locations during installations. The business case does note that they have identified the:

Need to limit knowledge of the project on a “need to know” basis.⁵⁵

4.2.6 By the time of the application site surveys had been carried out and technical specifications developed. The Capital cost was envisaged to be £3.5 million. The application notes that:

Birmingham City Council have demonstrated a strong interest in committing funding in the region of £1m to this project, however this has yet to be confirmed. WM CTU are therefore seeking in principle funding for the full amount recognising that, subject to support by Birmingham City Council funding sought from ACPO TAM would reduce pro-rata from the total of £3.5 m.⁵⁶

4.2.7 Revenue costs were assumed at that time to be £375,000 per annum.

Birmingham City Council Initial Briefing

4.2.8 There was a high level meeting on 12th February 2008 with the City Council's Chief Executive (at the time, Chair of the Safer Birmingham Partnership), the Leader of the Council, the former Cabinet Member for Transportation and Street Services, the former Director of the Safer Birmingham Partnership and also Assistant Chief Constable Patani (see also 4.3.4).⁵⁷

West Midlands Police Authority role

4.2.9 At the end of 2007 (September and November) agenda items for the West Midlands Police Authority included counter terrorism briefings (which noted specific threats) and financial decisions relating to counter terrorism, including the approvals for the West Midlands Counter Terrorism Unit building.⁵⁸ It was in this context that the approvals for this project were given.

4.2.10 On 14th February 2008, two days after the high level meeting referred to in paragraph 4.2.8 above, the West Midlands Police Authority considered a report on Project Champion.⁵⁹ The item was held in private, citing Paragraph 3 of Part 1 of Schedule 12 of the Local Government Act, 1972 which

⁵⁵ Strategic Outline Business Case – ACPO TAM Business Area. Tabled at the Local Services & Community Safety O&S Committee on 23rd August 2010

⁵⁶ Ibid

⁵⁷ Email from Stephen Hughes, 13th September 2010 confirmed meeting took place on 12th February 2008. Prior to that both evidence from the Safer Birmingham Partnership and the Chief Executive had referred to 2007. It is not known if any other meetings had been held between the Police and the City Council / Safer Birmingham Partnership.

⁵⁸ West Midlands Police Authority Minutes 20th September 2007; Agenda 20th September 2007

⁵⁹ The written evidence of 23rd August 2010 included papers for a 30th January 2008 meeting. This was intended as an emergency meeting, but did not actually take place.



relates to “information relating to the financial or business affairs of any particular person (including the authority holding that information)”.

- 4.2.11 The decision taken by the West Midlands Police Authority on 14th February 2008 was to authorise the Chief Constable of West Midlands Police and the Chief Executive of the West Midlands Police Authority to procure Project Champion and to add the Project to the approved capital programme for 2007/8 and 2008/9 subject to final negotiations with ACPO TAM and Birmingham City Council.⁶⁰
- 4.2.12 Birmingham City Council was represented at that meeting by Councillors Tanveer Choudhry and Yvonne Mosquito. The former’s view on 8th June 2010 was that he had never been advised that the scheme was an anti-terrorism operation and felt that the Police had lied about the nature of the scheme.⁶¹ In his evidence to Committee⁶² he indicates that the details of the Project were tabled (which is backed up by the agenda, which notes the paperwork for this item was “to follow”) and that his understanding was that it would be a West Midlands, or at least a City-wide project and that there had been no reference to it being focused within two constituencies only.
- 4.2.13 In contrast Brendan Connor, a Member of the Police Authority, also present at that meeting told us that:

There was no confusion that the principle and exclusive objectives of the Project were driven by the counter terrorism risk ... It had been clear to all Members of the West Midlands Police Authority, when making a decision on capital investment, that the issue was counter terrorism.⁶³

- 4.2.14 Given the security briefings they had been given, and the fact that the July 2005 bombings had been planned outside of London, we were told that the West Midlands Police Authority felt that the Project had been an appropriate response.⁶⁴
- 4.2.15 The Police Authority’s belief was that their decision was “the final piece of the jigsaw” and that consultation had been carried out with the City Council and the Safer Birmingham Partnership. We were informed that they provided no input into where the cameras were to be placed.⁶⁵ There would appear to have been no information available at that point about the numbers or density of the cameras. We were also informed that they treated this decision like any other capital project and that their role regarding the capital programme was to “ensure that money was spent in accordance to an agreed programme.”

⁶⁰ West Midlands Police Authority. Minutes of 14th February 2010. Included in evidence to Local Services and Community Safety Overview and Scrutiny Committee 23rd August 2010.

⁶¹ Hall Green Constituency Committee Minutes 8th June 2010. Included in evidence to Local Services and Community Safety Overview and Scrutiny Committee 23rd August 2010.

⁶² Minutes of Local Services and Community Safety Overview and Scrutiny Committee 23rd August 2010

⁶³ Minutes of Local Services and Community Safety Overview and Scrutiny Committee 25th August 2010

⁶⁴ Ibid

⁶⁵ Ibid



- 4.2.16 It does seem apparent that no decision-makers outside of the Project team were made aware of the intensity of the project.
- 4.2.17 After that decision, reporting back to Members of the West Midlands Police Authority on the Project appears limited. As part of the capital programme, financial project oversight fell to the Police Authority's Finance and Resources Committee. The committee received updates on spend against the Project, as part of standing capital programme monitoring reports, at each of its meetings.⁶⁶
- 4.2.18 No further report with details about Project Champion appears to have been taken to the theme group that would normally deal with such issues (now named the Protective Services Committee).

4.3 City Council and Safer Birmingham Partnership Approvals

Safer Birmingham Partnership role

- 4.3.1 We have found no evidence that at any point the Project was discussed by the Partnership Executive Board. We understand it was discussed at one of the Partnership's strategic groups – Local Delivery Strategic Group (which is chaired by the Strategic Director, Housing and Constituencies).⁶⁷
- 4.3.2 It is important to note that the Director responsible for the Partnership at the time that the original application for Project Champion was made, and who was at the initial high level meeting referred to in paragraph 4.2.8, retired soon afterwards (March 2008).

Funding

- 4.3.3 The ACPO TAM business case refers to "in principle" agreement by the City Council.
- 4.3.4 As noted (paragraph 4.2.8) Assistant Chief Constable Anil Patani held a high level meeting with senior representatives of the City Council in February 2008. The Chief Executive recalled that the meeting included a security briefing and it was noted that the Police had an opportunity to bid for additional funding. The City Council was asked for, and gave, support for such an action, but in the Chief Executive's recollection, were not asked for financial support.
- 4.3.5 The West Midlands Police Authority papers for the 14th February 2008 note that:

Discussions have been held with Birmingham City Council who has agreed in principle to fund capital costs in the region of £500,000.⁶⁸

⁶⁶ West Midlands Police Authority, *Sparkbrook and Washwood Heath CCTV and ANPR Cameras – Police Authority Update*. 30th September 2010. At: [www.west-midlands-pa.gov.uk/documents/committees/public/2010/09b_PolAuth_30Sept2010_ANPR_Cameras_Update.pdf#search="project%20champion"](http://www.west-midlands-pa.gov.uk/documents/committees/public/2010/09b_PolAuth_30Sept2010_ANPR_Cameras_Update.pdf#search='project%20champion')

⁶⁷ 3rd November 2009

⁶⁸ Included in evidence to Local Services and Community Safety Overview and Scrutiny Committee 23rd August 2010.



4.3.6 However, we found no evidence either of a decision made by Councillors or officers within the City Council to support the capital costs of Project Champion, nor of any payment made. The Chief Executive's comments about discussions and decisions are minuted:

He had understood that work was needed to counter terrorism and City Council representatives had been told that there was an opportunity to obtain funding for a scheme that would have additional crime reduction benefits. The scale of the scheme discussed at the time had been £0.5 million and the level of £3 million had come as a surprise.

He was not aware of a financial involvement, no funding had been committed or put aside by the City Council and there had never been a submission to Cabinet for approval. At the briefing, [in 2008] there had been an agreement in principle only to support the bid. He did not believe that an application had been submitted to the City Council for funding or to the Safer Birmingham Partnership while he had been its Chairman.⁶⁹

4.3.7 The Director of the Safer Birmingham Partnership substantiates:

One would normally expect that 'in principle' commitment to be followed through the normal routes for a key decision. I have found no evidence that this was the case.⁷⁰

4.3.8 There could be two explanations for this: either West Midlands Police misled the Police Authority about an agreement by the City Council to contribute, or the Police told the Police Authority what they believed to be the truth.

4.3.9 The initial revenue figures in the original business case to ACPO TAM were £375,000 per annum and in the report to the Police Authority in February 2008 were £400,000 (said in that report to be ongoing costs to be shared between the City Council and Police Authority). These costs were overestimates. In February 2010 the Safer Birmingham Partnership agreed to fund 50% of the revenue funding for the overt cameras and provisions were made within their budget.⁷¹ This amounts to approximately £21,000 per annum and is within the Director's delegation.⁷²

⁶⁹ Local Services and Community Safety Overview and Scrutiny Committee Minutes 23rd August 2010.

⁷⁰ Safer Birmingham Partnership. Written evidence to Local Services and Community Safety Overview and Scrutiny Committee, 23rd September 2010

⁷¹ Ibid; Safer Birmingham Partnership response to Cllr Mullaney questions of 19th April 2010 also notes that revenue costs of £70,000 per annum will be split between SBP and WMP with Police paying the greater part.

⁷² Safer Birmingham Partnership. Written evidence to Local Services and Community Safety Overview and Scrutiny Committee, 23rd September 2010



Planning Permission

4.3.10 The Planning Department have indicated that:

If the local authority is involved in the administration of the service on its own or with others no planning permission is required [for cameras]. However if only the Police are involved in the setting up and administration of the service then planning permission would be required.⁷³

4.3.11 The planning regulations we are told that apply to this project are the Town and Country Planning (General Permitted Development) Order 1995 (Class A (b) of Part 12). This sets out that permitted development by local authorities includes the erection or construction and the maintenance, improvement or other alteration by a local authority of:

Lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, and similar structures or works required in connection with the operation of any public service administered by them.⁷⁴

4.3.12 In terms of planning decisions taken with regards to Project Champion we were informed that:

Planning Management was informed during installation that the Safer Birmingham Partnership were involved in setting up and the administration of the service. Therefore a decision was taken that no planning permission was required.⁷⁵

4.3.13 This indicates that Planning Management officers were not consulted on this project at an early stage and were not asked for a view prior to installation commencing. Planning Management officers have also confirmed that no additional requirements or permissions are required within a Conservation area. As a local councillor wrote when installation was on-going:

At the corner of Oxford Road and St Marys Row another ugly bulky CCTV column has been erected. This is in a Conservation Area and in front of the statutory listed St Mary's Church which only a few weeks ago had planning permission refused for the installation of photovoltaic panels on its roof. Where's the consistency?⁷⁶

⁷³ Written evidence from Planning Department. 7th September 2010

⁷⁴ www.legislation.gov.uk/ukxi/1995/418/schedule/2/part/12/made

⁷⁵ Written evidence from Planning Department. 7th September 2010

⁷⁶ The Stirrer, 17 April 2010. At:

www.thestirrer.co.uk/phpBB3/viewtopic.php?f=1&t=8029&p=161413&hilit=MOSELEY+CCTV#p161413.



Highways Approvals

- 4.3.14 Parking and Services Division indicated that they have a duty as the Highway Authority through the New Roads and Streetworks Act (NRSWA) Section 50 to licence applications for the placement of cameras across the City. The NRSWA licences are required in regard to the placing of permanent apparatus on the public highway and as part of the licence application the Highway Authority will approve the camera locations so as to not create a safety hazard for the highway user and when locating cameras on existing street furniture ensure structural integrity. They confirmed that they licensed the placement of 53 CCTV/ANPR locations.⁷⁷
- 4.3.15 In the absence of planning permission it is worth noting that whilst this procedure is concerned with access for and nuisance to pedestrians during the works it appears to lack any teeth to ensure that long term access is not affected by the positioning of the posts.

The Highways Act 1980 and New Roads and Street Works Act 1991 contain various clauses, which allow the Council (as Highway Authority) to closely control activities on the highway. The Council is particularly concerned about the nuisance that development being carried out adjacent to the highway can cause to local residents, the travelling public and road users in general.⁷⁸

4.4 Implementation Process

- 4.4.1 Given decisions were delegated to officers at the Police Authority meeting of 14th February 2008 key decisions regarding procurement and implementation were taken by the Chief Constable and Chief Executive of the Police Authority. A Counter Terrorism Unit (CTU) Executive Project Board was also tasked with moving forward the Project.
- 4.4.2 On 3rd September 2008, the Head of the West Midlands CTU submitted a report to the Chief Constable and Chief Executive of the Police Authority. It notes that further work had been necessary:

To develop an understanding and top level support within Birmingham City Council and within constraints of the “Need to Know” and taking account of election issues in May.⁷⁹

- 4.4.3 It also notes that the Home Office had agreed that the Project was “confidential” with elements being “secret” within the Government Protective Marking Scheme.⁸⁰ It notes that the precise role

⁷⁷ Written evidence from Parking Services, 25th August 2010

⁷⁸ Birmingham City Council, *Planning Post Decision Guidance*

⁷⁹ Included in written evidence to Local Services and Community Safety Overview and Scrutiny Committee August 23rd 2010



to be played by the Safer Birmingham Partnership was being negotiated. The Safer Birmingham Partnership have clarified that it was not being negotiated with the Director of the Partnership, or the Cabinet Member. The report sought delegated authority to negotiate contracts for consultancy services and project management support and for purchasing hardware.

4.4.4 The first minutes of the CTU Executive Project Board mentioning the Project is 8th June 2009. Two Members of the CTU team and West Midlands Police Director of Finance were in attendance. The Director of the Safer Birmingham Partnership was not invited.

4.4.5 On 28th July 2009 a further meeting was held, to which the Director of the Safer Birmingham Partnership sent her apologies due to a prior engagement. Minutes note the appointment of Olive Group, a security contractor, and the surveys they had carried out. Limited details of a procurement process are noted.

4.4.6 It notes:

The process has been enhanced by the cooperation of Birmingham City Council. Recent meetings regarding sites, installation etc. has been carried out by [redacted] Street Lighting, Urban Traffic Control and Highways had all been accommodating.

[Redacted] confirmed that Birmingham City Council have been very helpful in these early stages, largely accredited to the early liaison.⁸¹

4.4.7 What comes through most clearly is the secret nature of the work with security check clearance having taken place for key personnel. As part of the appropriate safeguards in place the minutes note that:

The project had insisted on SC [security check] clearance for the Project Manager / Bid Team and minimum vetting process for contractors. Indoctrination of personnel has also taken place, together with signing the Official Secrets Act, copying of documents will not be permitted.⁸²

4.4.8 A further report from the Head of the CTU to the Chief Constable and Chief Executive of the West Midlands Police Authority of 6th October 2009 notes the details of the tenders and seeks delegated authority to negotiate two contracts.

⁸⁰ Government / Police documents which can be made available to all can be said to "have no protective marking." Documents that need to have restricted circulations can be "restricted", "confidential", or "secret" with "top secret" being the most confidential. www.cabinetoffice.gov.uk/media/cabinetoffice/corp/assets/foi/classifications.pdf

⁸¹ CTU Executive Project Board Minutes, 28th July 2010 included in evidence to Local Services and Community Safety Overview and Scrutiny Committee [Redacted is when text is blacked out in documents released]

⁸² Ibid



4.4.9 The CTU Executive Project Board met again on 7th October 2009 and the Director of the Safer Birmingham Partnership was in attendance just for the Project Champion item. It was noted that West Midlands Police had requested “formal prior approval” of the Project from the City Council and the Director had sought to explore who had been met with and if they were sufficiently senior to approve the Project.⁸³ The Director confirmed that the right personnel had been met with and the right approvals obtained and that each site would be approved on a site by site basis. In our evidence gathering session:

The Director informed Members that she had been asked about written approvals and had been referring to the Highway Department and street lighting.⁸⁴

4.4.10 The Head of the CTU noted that “communications plans” were being developed by the Police and the Assistant Chief Constable asked “that the communication plan be approved by” the Director of the Safer Birmingham Partnership. It was noted that “there would be both proactive/reactive communications plans.”⁸⁵

4.4.11 The Director of the Safer Birmingham Partnership informed us that she did not make the connection of the Project being managed by the CTU Executive Project Board and counter terrorism.⁸⁶ She also reported that:

The discussion was that there would be a need to put information out into the public in advance of the installation (proactive), but also there would be a need for the people installing the equipment to be able to answer general enquiries from the public (reactive). This did not exist in a separate Communications Plan.⁸⁷

4.4.12 The Safer Birmingham Partnership Director sent apologies to the meeting of the Project Board on 14th December 2009. The minutes note that project meetings had started in the previous week and would include representatives from Highways and Street Lighting services (Birmingham City Council). The City Council was still noted as being “particularly positive”. By then the project had been split into overt and covert elements.

4.4.13 The last meeting for which minutes are available is 25th February 2010. They indicate that the Director of the Safer Birmingham Partnership was in attendance and that an agreement had been reached with the Safer Birmingham Partnership regarding revenue funding costs. The Director

⁸³ CTU Executive Project Board Minutes 7th October 2009 included in evidence to Local Services and Community Safety Overview and Scrutiny Committee Minutes 23rd August 2010

⁸⁴ Local Services and Community Safety Overview and Scrutiny Committee Minutes 23rd August 2010

⁸⁵ CTU Executive Project Board Minutes 7th October 2009 included in evidence to Local Services and Community Safety Overview and Scrutiny Committee Minutes 23rd August 2010

⁸⁶ Ibid

⁸⁷ Safer Birmingham Partnership. Evidence 6th September 2010



talked to a progress report which noted that they were focusing on the “local interface”; that she had met with the Strategic Director for Environment and Culture and the Chief Highway Engineer (Acting) regarding Highway Authority approvals; and that the Strategic Director had confirmed that the approvals would be turned round once they had the specifications. Highways grant a license to ensure the integrity of the equipment where the camera is to be sited is fit for purpose for health and safety reasons.

4.5 Councillor Consultation

2008

4.5.1 The high level meeting in February 2008 and the attendance of two Councillors at the crucial Police Authority meeting in 2008 have already been noted.

April 2009

4.5.2 Cabinet Member involvement in the project appears very limited. We understand that the Cabinet Member for Local Services and Community Safety was briefed by an Assistant Chief Constable on 16th March, 2009 (for which there are no written notes). He told us that he had emphasised that consultation should be undertaken, beginning with Ward Councillors. This appears to have been why the briefing on 29th April 2009 at Lloyd House was organised.

4.5.3 West Midlands Police hosted a briefing for Councillors on 29th April 2009. Six Councillors attended. It was chaired by Assistant Chief Constable Hyde. The Director and officers from the Safer Birmingham Partnership were also in attendance, plus the Constituency Director for Hodge Hill.

4.5.4 The tone of the meeting was set in Assistant Chief Constable (ACC) Hyde’s opening remarks:

ACC Hyde stated that this briefing session was a scoping exercise with the view of gaining opinion of the Councillors in regards to the proposed expenditure of Home Office funding that had been made available to the Safer Birmingham Partnership. ACC Hyde explained that the proposed expenditure would be on CCTV and ANPR in the identified areas which would bring a greater sense of safety for local residents and increase revenue into the area by promoting small businesses into the locality.⁸⁸

4.5.5 A substantial element of the meeting related to the aims of the Project. The Safer Birmingham Partnership gave a presentation on crime and residents perceptions of crime in the area and suggested how the Project would increase trust and confidence. The Police used the example of the mobile ANPR Operation Refrain to indicate the positive outcomes of ANPR.

⁸⁸ Minutes of Project Champion Briefing - 29th April 2009. Included in evidence to Local Services and Community Safety Overview and Scrutiny Committee 23rd August 2010



- 4.5.6 It was said that the Project was a Safer Birmingham Partnership approach to CCTV. The benefits of the Project were said to be broad:

This project was an expansion upon CCTV and ANPR sites that were already established on main arterial routes and major ring roads and this was the opportunity to localise these facilities and tailor make them work for the local issues such as anti-social behaviour and criminal damage.

Including attracting small businesses into the area, contributing towards a cleaner and safer area, reducing anti-social behaviour and drug dealing activity, creating a secure and comfort(able) environment for residents and supporting the wider development of the area in revenue and business.

- 4.5.7 In spite of no specifics forthcoming about counter terrorism aims one Councillor suggested that the meeting was about preventing violent extremism and that suggested:

If the funding was for tackling the extremism agenda this would breach the very little trust that has taken so long to build in the community and that it will be viewed as targeting the Muslim community.

- 4.5.8 The Chair's response is minuted as being:

If he said that additional CCTV and ANPR facilities would not have any benefit around counter terrorism then he would be lying and that is why this element was included in the briefing note however the reassurance and crime benefits are far greater.

- 4.5.9 In terms of funding, Councillors were informed merely that it was Home Office funding. The Cabinet Member for Local Services and Community Service said the City Council was not able to contribute to the Project and was informed that no funding was expected from the Council. The funding was said to be available until 2009/10.

- 4.5.10 Councillors did raise their unease about a number of issues. They noted concerns over community trust and confidence issues. It was noted that the Asian community already felt they were being targeted. One Councillor urged that the money be spent on engagement activities. One advised of the need to reassure the wider community that there is nothing to worry about in terms of this project. They also questioned whether it was the right time to introduce such a project.

- 4.5.11 One demand was about openness and consultation with residents. Thorough consultation with constituents was requested as was setting out the project proposals in an open Forum. The Safer Birmingham Partnership promised a full consultation and assessment process.

- 4.5.12 On the basis of what the Councillors in attendance were told, the minutes note support for the Project. For example, Councillor Khan, the Cabinet Member for Local Services and Community



Safety stated that CCTV is now welcomed by communities. Councillor Ansar Ali Khan supported additional funds for CCTV. Councillor Yaqoob agreed CCTV on the main roads, was acceptable, but use on side roads would be a problem.

4.5.13 In terms of next steps the Police during the course of the meeting had suggested:

The whole purpose of this meeting was to gain the views and perspectives of those present and for the Councillors to take it back into their communities to gain their views.

4.5.14 The conclusion of the meeting was a specific action for the Police to organise a visit to look at CCTV and ANPR in action. The Safer Birmingham Partnership invited all Councillors to discuss the proposals in their constituencies. Councillor Ishtiaq's recollection of this meeting is:

We were told nothing about its anti-terrorist remit in the meeting in Lloyd House in April 2009. We received misleading answers when we questioned why these specific areas had been chosen, given crime rates were higher in other areas.⁸⁹

4.5.15 The report provided to Members at this meeting, "Project Champion Considerations" identified that there were already 45 CCTV sites in Washwood Heath and Sparkbrook and that this Project would create an additional 70 CCTV sites.⁹⁰ Statistics relating to crime in Washwood Heath and Hodge Hill areas are noted with emphasis on uninsured and disqualified motorists in Saltley. In Sparkbrook the briefing refers specifically to the 'Sparkbrook Road Corridor'. Deprivation and general crime statistics are presented.

4.5.16 The briefing concludes that the proposed investment:

Will increase crime detection and reporting opportunities which, in turn, support reducing overall crime and promoting a safer environment.

4.5.17 The briefing also states:

Whilst many communities in Birmingham may be vulnerable to the activities of individuals or groups dedicated to violent extremism, arrests and prosecutions under Operation Gamble (2007) centred upon serious criminality emanating from Washwood Heath Ward and Sparkbrook Ward - 'Stratford Road Corridor'. The proposed camera sites will therefore not only tackle criminality and anti-social behaviour and increase the communities feeling of safety, but provide

⁸⁹ Written evidence submitted to 25th August Local Services and Community Safety Overview and Scrutiny Committee

⁹⁰ Safer Birmingham Partnership (February 2009) *Project Champion Considerations*. The briefing was written at the end of October 2008 and circulated to constituency staff and local policing teams in November 2009. (Safer Birmingham Partnership briefing 25th August 2010)



support and reassurance to communities considered to be vulnerable to violent extremism.

June 2009

4.5.18 Following this briefing on 29th April 2009 Councillors were invited to see the operation of the cameras and one councillor from Sparkbrook Ward attended a session on 11th June 2009.⁹¹

November 2009

4.5.19 Hodge Hill Councillors have regular constituency briefings and this project was on the agenda on 10th November 2009 (when three Councillors attended).⁹² The information provided appears to have been similar to previous briefings, plus some additional information about communicating it to the public. Councillors' views are not recorded in the notes.

January 2010

4.5.20 The Safer Birmingham Partnership produced a briefing sent to Councillors on 22nd January 2010 which was sent to Councillors in the affected wards within Hall Green Constituency (with the exception of Moseley and Kings Heath Ward).⁹³

4.5.21 The argument given for the implementation of the project in the two areas is that:

These areas have been identified by the City Council as 'priority neighbourhoods' and therefore are given priority when funding is available to improve the area.

4.5.22 The intent was to address community safety issues relating to local area agreements. The location of cameras was said to relate to 'intelligence and known hot spots'. The report also notes that to ensure health and safety and minimum disruption to traffic that 'a large proportion of installation works will take place at night time.' It asks 'if this has anything to do with terrorism?' and the response was:

This is not the focus of the operation. The cameras will be utilised to tackle all types of crime to help keep our communities as safe as possible.

⁹¹ Safer Birmingham Partnership. Briefing to Local Services and Community Safety Overview and Scrutiny Committee 13th July 2010

⁹² Notes of Elected Members Meeting, Hodge Hill 11th November 2009.

⁹³ Safer Birmingham Partnership. Written evidence to Local Services and Community Safety Overview and Scrutiny Committee tabled on 25th August 2010; Email to Cllr Mullaney of 22nd January 2010



4.5.23 Finally, the briefing states

Some cameras will be seen and others will be more discreet – this is both to protect them from being vandalised and to ensure that they can be effective as possible in reducing crime – it would not make sense to promote the exact location of the cameras as this would reduce their effectiveness in catching criminals.

March 2010

4.5.24 The Safer Birmingham Partnership produced a briefing note about the Project and shared with officers and Councillors in the affected wards.⁹⁴

April 2010

4.5.25 Once the project came into the public arena, following installation, the nature of discussion changed significantly. Public outcry started in April. It was quickly acknowledged as a mistake that Kings Heath and Moseley Councillors were not briefed or consulted about Project Champion once the scope of it changed to include the cameras within this ward.⁹⁵ (There is no evidence available to indicate when that decision was taken).

4.5.26 The Safer Birmingham Partnership have said:

Site locations for cameras were not confirmed until well into the project development phase. When decisions were made relating to actual locations, the team making those decisions were not alert to the importance of the Ward boundaries and the earlier briefing. Relevant Councillors were not briefed and the Safer Birmingham Partnership has accepted that this was a mistake and apologised for this oversight.⁹⁶

4.5.27 Kings Heath and Moseley Councillors requested a meeting which took place on 19th April 2010.⁹⁷

4.5.28 Following the meeting the Safer Birmingham Partnership produced a response to specific questions raised. The response to the question about whether the cameras had been erected to monitor a particular community was:

⁹⁴ Safer Birmingham Partnership briefing included in written evidence to Local Services and Community Safety Overview and Scrutiny Committee 23rd September 2010.

⁹⁵ Email from Safer Birmingham Partnership to Moseley and Kings Heath elected Members, 16th April 2010; Minutes Moseley and Kings Heath Ward Project Champion Briefing Meeting, 19th April 2010; Apology to Members by Director Safer Birmingham Partnership at Hall Green Constituency Meeting, 8th June 2010. (Included in written evidence 23rd August 2010)

⁹⁶ Safer Birmingham Partnership Briefing to Local Services and Community Safety Overview and Scrutiny Committee. 13th July 2010.

⁹⁷ Moseley and Kings Heath Ward Project Champion Briefing Meeting Minutes, 19th April 2010



No. ... We are targeting all forms of criminality and not communities, and this will include burglary, robbery, vehicle crime, anti-social behaviour, drug dealing, traffic offences right through to terrorism.⁹⁸

Local Services and Community Safety Overview and Scrutiny Committee

4.5.29 A question was raised about the project on 18th May 2010. A briefing was sent to members of the Committee on 7th June 2010 and a written briefing and a presentation was given to Members on 13th July 2010. At this point a decision was made to carry out this Review.

4.6 Community Consultation / Information

4.6.1 This section draws together the information we are aware of being produced for the public, and also when the Project has been raised in a public arena, such as Ward and Constituency Committees. Councillors are of course also key stakeholders in such meetings. Pinpointing decisions about consultation is a disputed area.

Decisions and Meetings prior to June 2010

4.6.2 The Chief Executive when told about the Project in 2008 expected a full consultation process to occur.

4.6.3 Councillors attending the February 2009 meeting at Lloyd House (West Midlands Police Headquarters) told us they expected the Police to consult. The minutes of the meeting and the Director of the Safer Birmingham Partnership's recollection was that it was left for Councillors to consult.

4.6.4 The Safer Birmingham Partnership produced newsletters in November 2009 for the two affected constituencies. Under a headline about the top priority being to respond to residents' concerns, both newsletters contained the following paragraphs:

As part of our continued efforts to reduce crime and disorder additional CCTV cameras and Automatic Number Plate Recognition (ANPR) cameras will be installed in known crime hotspots across the area later this year, extending the coverage across the Hall Green Constituency [Hodge Hill's newsletter says: Birmingham]. ANPR cameras record the number plates of vehicles travelling in and out of an area identifying vehicles that may have been used to commit offences, which helps the police to be more informed when deciding whether to stop a car.

⁹⁸ Safer Birmingham Partnership Response to specific questions raised by Cllr Mullaney following the meeting on 19th April: e-mailed to Members of the Local Services & Community Safety O&S Committee on 31st August 2010.



We hope this will give residents further assurance that we are taking action to make them feel safer and reduce crime in their neighbourhood.

- 4.6.5 We were told that an additional newsletter planned for March was halted due to the pre-election period.⁹⁹
- 4.6.6 The next evidence available of ANPR being discussed in a public arena was the Sparkbrook Ward Committee of 15th December 2009.¹⁰⁰ As subsequent evidence suggests that local policing teams were unaware of the Project at the time of installation, it is unclear what details were known by the Police Officers or Councillors at this time. However, discussion at this point in time clearly focuses on the Stratford Road.

The Chairperson referred to the Automatic Number Plate Recognition (ANPR) system and queried whether it could pick a stolen car or vehicles with no licences etc. [A neighbourhood Sergeant] advised that the ANPR on the Stratford Road was a very busy route and that the system would “ping” when a stolen car went past. He highlighted that the ANPR system was used in most major systems (sic) and was very effective. Concerns were expressed regarding civil liberties, such as preventing violent extremism; the ANPR cameras being a waste of time as drivers would take detours to avoid them. [The neighbourhood Sergeant] advised that thousands of vehicles past through the Stratford Road each day and that the cameras would not be viewed all day long and he highlighted that cameras, if placed correctly, would cover the Stratford Road. A member of the public stated that he felt vehicles would have gone by the time the Police reacted and queried response times and the success rate.

- 4.6.7 The Project does not appear to have been discussed at any other Ward or Constituency Committees prior to June 2010.
- 4.6.8 As noted, following installation of columns and cameras in Moseley and Kings Heath ward in April 2010 the Project came into the public domain and an intense series of meetings followed, and as understanding of the Project aims developed this changed the nature of the debate significantly.

Decisions and Meetings from June 2010

- 4.6.9 In June 2010, after Project Champion hit the headlines, a series of public meetings (including agenda items within Ward and Constituency Committees) were held at which attendance was good and at which many concerns were raised about the Project by Councillors and the community. On the whole there has been extreme anger and hostility at these meetings, although a few residents have voiced some support for the cameras.

⁹⁹ Safer Birmingham Partnership evidence tabled 25th August 2010

¹⁰⁰ At: www.birmingham.gov.uk/democracy/Pages/MeetingDetail.aspx?MeetSchedID%3d13826



4.6.10 Hall Green Constituency Committee had this as an agenda item on 8th June 2010. At this meeting the justification given for the Project was:

- The counter terrorism profile indicated that there were people with known extremist links living / operating in these areas;
- The areas had high and escalating levels of crime; and
- The existing CCTV/ANPR estate was not adequate.¹⁰¹

4.6.11 The justification also mentioned that 52% of residents in Washwood Heath viewed CCTV as a priority to improving their neighbourhood, and in Sparkbrook that the largest anti-social behaviour issue is teenagers hanging around.

4.6.12 The Safer Birmingham Partnership released a press release on 17th June 2010. It stated that the cameras would not be switched on until further consultation has been carried out and that in the meantime the cameras would be hooded. The statement said:

Although the Counter Terrorism Unit was responsible for identifying and securing central government funds, and have overseen the technical aspects of the installation, the camera sites were chosen on the basis of general crime data – not just counter terrorism intelligence. Day to day management of the network was always intended to become the responsibility of local police.¹⁰²

4.6.13 Assistant Chief Constable Rowe attended a public meeting on request on 4th July 2010.¹⁰³ She apologised on behalf of the Police and announced that covert cameras would be removed and that the Counter Terrorism Unit would no longer be involved in the implementation of the Project.

4.6.14 The West Midlands Police Authority held a public meeting regarding trust and confidence on 4th August 2010. The invitation stated:

Effective policing is dependent on communities having trust and confidence in the police. The Authority, knowing the concerns which have arisen in some parts of the West Midlands from the proposed use of CCTV and ANPR cameras in connection with Project Champion, wants to listen to members of the public. The Authority wants to know how trust and confidence can be restored where this has been adversely affected.¹⁰⁴

¹⁰¹ Presentation by Director Safer Birmingham Partnership to Hall Green Constituency Committee 8th June 2010. Included in evidence to Local Services and Community Safety Overview and Scrutiny Committee 23rd August 2010

¹⁰² www.thestirrer.co.uk/?p=549

¹⁰³ Organised by Birmingham Against Spy Cameras

¹⁰⁴ www.west-midlands-pa.gov.uk/viewpr.asp?id=76&category=pressreleases&zoom_highlight=trust+and+confidence



4.6.15 About 170 people attended¹⁰⁵ and many were frustrated by the general focus being on trust and confidence, rather than what would happen next with Project Champion and that no commitments were given.

4.7 How and Where Concerns Have Been Raised

4.7.1 The first article about the Project appeared on 17th April 2010 on the Stirrer web site under the headline "Secret Camera Spy on Brum Suburbs."

Birmingham's CCTV network has been dramatically extended by a new generation of spy cameras in the south of the city – some of which will be hidden in secret locations. Residents have also complained about the lack of consultation – and say that wheelchair users and pram pushers are being obstructed by the bulky bases of these installations.¹⁰⁶

4.7.2 At that early point it was identified as a Safer Birmingham Partnership project¹⁰⁷ and the existence of covert cameras was disclosed. The Stirrer web site reported:

Our enquiries led us to the Safer Birmingham Partnership, a crime prevention quango bringing together the police, local authority and other statutory bodies. They've secured £3m funding from the Home Office and confirmed that cameras capable of Automatic Number Plate Recognition (ANPR) are being installed in Washwood Heath and Sparkbrook – identified as "priority crime neighbourhoods" – as well as Kings Heath and Moseley.

According to the Partnership, they'll help detect a range of offences including "burglary, robbery, vehicle crime, anti-social behaviour, drug dealing and traffic offences right through to terrorism." They insist the camera locations aren't secret, but admit they haven't been made public, either. And, crucially, they concede, "The project also includes a small number of covert cameras the locations of which cannot be disclosed as this would seriously compromise Police intelligence information."¹⁰⁸

¹⁰⁵ West Midlands Police Authority, *Sparkbrook and Washwood Heath CCTV and ANPR Cameras – Police Authority Update*. 30 September 2010. At: [www.west-midlands-pa.gov.uk/documents/committees/public/2010/09b_PolAuth_30Sept2010_ANPR_Cameras_Update.pdf#search="project%20champion"](http://www.west-midlands-pa.gov.uk/documents/committees/public/2010/09b_PolAuth_30Sept2010_ANPR_Cameras_Update.pdf#search=)

¹⁰⁶ www.thestirrer.co.uk/April_10/secret-cameras-170410.html

¹⁰⁷ An Evening Mail report on 17th April "Mystery CCTV lamp posts spark outrage in Moseley" notes that the Safer Birmingham Partnership said they erected the posts after securing £3 million from the Home Office to fight crooks and terrorists in 'priority crime neighbourhoods'. At: www.birminghammail.net/news/birmingham-news/2010/04/17/mystery-cctv-lamp-posts-spark-outrage-in-moseley-97319-26259572/

¹⁰⁸ www.thestirrer.co.uk/April_10/secret-cameras-170410.html



4.7.3 Although the same article suggests that an "inner circle" of elected representatives and officers knew there were covert cameras, the evidence contradicts this.

4.7.4 Discussion on the Stirrer web site that day indicates that one poster had queried the works for a new camera at a Ward Committee meeting on 16th March 2010. The Sparkbrook Ward Committee minutes for that date indicates that local policing teams seemed unaware of the Project:

A member of the public referred to work at Clifton Road Bridge and asked if there was to be a new camera in that location. [A neighbourhood Sergeant] stated that he was not aware of the work.¹⁰⁹

4.7.5 By 19th April 2010 it was being declared that:

The perception is growing that the specific purpose of the cameras is to increase surveillance of the inner city Muslim community.¹¹⁰

4.7.6 Local campaigners set up a web site entitled Spy on Moseley which has transformed into a Spy on Birmingham site with its strap line being:

A network of over 200 'spy' cameras has been installed to track and record the movements of people in two Birmingham suburbs. In the front line are Washwood Heath and Sparkbrook areas, home to Birmingham's large Muslim population. The scheme, codenamed 'Project Champion' presents a grave threat to civil liberty in this country and must be stopped.¹¹¹

4.7.7 A public meeting was called for the 4th July 2010 at the Bordesley Centre by Birmingham Against Spy Cameras (referred to above in section 4.6.13) to which there was a huge turn out (the capacity was stated to be 500¹¹² and there were many standing). Speakers included:

- Shami Chakrabarti (Director, Liberty);
- Gareth Peirce, (human rights lawyer);
- Alex Deane, (Director, Big Brother Watch);
- Lord Nazir Ahmed;
- Rev. Ray Gaston (Methodist minister);
- Councillor Yaqoob (Councillor, Sparkbrook ward);
- Assistant Chief Constable Sharon Rowe (West Midlands Police);

¹⁰⁹ Sparkbrook Ward Committee minutes. 16th March 2010. Available at: www.birmingham.gov.uk/democracy

¹¹⁰ The Stirrer. Surveillance Society 2: "Spying not crime reduction" behind new CCTV. At: www.thestirrer.co.uk/April_10/spying-not-crime-reduction-190410.html

¹¹¹ spyonbirmingham.blogspot.com/

¹¹² spyonbirmingham.blogspot.com/2010/08/spycam-summit-public-rally-sun-4th-july.html



- Jackie Russell (Director, Safer Birmingham Partnership);
- Councillor Rudge (Cabinet Member for Equalities and Human Resources).

4.7.8 Most of the speakers and audience spoke against the Project. West Midlands Police apologised. Adrian Goldberg, local journalist and radio presenter, who chaired the meeting proposed a motion relating to co-operating with the proposed consultation which was overwhelmingly rejected. He then proposed a motion that the consultation should not begin until the cameras have been taken down which was almost unanimously supported.

4.7.9 Following this on the 13th July 2010 the Police announced that they had commissioned the Thames Valley Police to carry out a review of the Project.¹¹³

4.8 Next Steps

4.8.1 At the time of writing further public consultation was being proposed, being managed by a Project Board with support from an advisory group.¹¹⁴ The Sparkbrook and Washwood Heath CCTV and ANPR Project Board includes representatives of West Midlands Police, West Midlands Police Authority, Birmingham City Council, Safer Birmingham Partnership and independent members of the public who live locally.¹¹⁵ It will establish consultative, delivery and monitoring arrangements for the Project. The terms of reference include:

- Preparing information for local residents as part of a wider consultation exercise;
- Deciding on an independent consultation process which will take account of the views of local residents;
- Making recommendations around the possible removal or relocation of camera equipment in the area; and
- Examining all existing CCTV in the area based on an up-to-date risk assessment of current levels of crime, including the possible threat posed by terrorism.¹¹⁶

4.8.2 At its second meeting the Project Board agreed that any decisions about the future of the cameras should follow an up-to-date assessment of the levels of crime and anti-social behaviour in the area, and be of benefit to the community.

¹¹³ www.west-midlands.police.uk/latest-news/press-release.asp?id=1798

¹¹⁴ West Midlands Police Authority *Sparkbrook and Washwood Heath CCTV and ANPR (Project Champion) Update*, 12th August 2010, for Cllrs Hendricks and Cornish.

¹¹⁵ www.west-midlands.police.uk/np/birminghameast/news/newsitem.asp?id=1127

¹¹⁶ West Midlands Police Authority. Sparkbrook and Washwood Heath CCTV and ANPR Project Board. September 2010. At: [www.west-midlands-pa.gov.uk/documents/committees/public/2010/09c_PolAuth_30Sept2010_ANPR_Project_Board.pdf#search="project%20champion"](http://www.west-midlands-pa.gov.uk/documents/committees/public/2010/09c_PolAuth_30Sept2010_ANPR_Project_Board.pdf#search=)



- 4.8.3 An Independent Advisory Group has been established as a community reference group with Councillor involvement and there will be regular meetings to obtain community views and feed these to the Sparkbrook and Washwood Heath CCTV and ANPR Project Board. At the time of writing they were due to "visit a local site to see the technology in action".
- 4.8.4 The Project Board will come to a conclusion on what should happen next. Assistant Chief Constable Rowe is quoted as saying: "An assessment of levels of crime and anti-social behaviour is being carried out by West Midlands Police and Safer Birmingham Partnership and the decision about the numbers of cameras – and where and if they are needed – will be informed on the basis of that assessment."¹¹⁷ The Cabinet Member for Local Services and Community Services is quoted as saying:
- We are absolutely committed to making sure that Safer Birmingham Partnership works not only with its partners but also the community to decide the future use of the cameras.¹¹⁸
- 4.8.5 A report to the Police Authority states that:
- The Sparkbrook and Washwood Heath CCTV and ANPR Project Board awaits the findings of the business case in order to ascertain if consultation on the future of the cameras will be necessary. If a consultation phase is agreed, a full Equalities Impact Assessment will be completed.¹¹⁹
- 4.8.6 Although conclusions will be drawn by the Project Board and recommendations made, no delegated authorities have been bestowed upon the group and so decisions will have to be taken through the due processes of whichever agency needs to formally approve decisions.

¹¹⁷ West Midlands Police Authority. Sparkbrook and Washwood Heath CCTV and ANPR Project Board. September 2010. At: [www.west-midlands-pa.gov.uk/documents/committees/public/2010/09c_PolAuth_30Sept2010_ANPR_Project_Board.pdf#search="project%20champion"](http://www.west-midlands-pa.gov.uk/documents/committees/public/2010/09c_PolAuth_30Sept2010_ANPR_Project_Board.pdf#search=)

¹¹⁸ West Midlands Police, *Meeting of the Sparkbrook and Washwood Heath CCTV/ANPR Project Board*, 21st September 2010. At: www.west-midlands.police.uk/np/birminghameast/news/newsitem.asp?id=1127

¹¹⁹ West Midlands Police Authority. Thames Valley Police Review of Project Champion. September 2010. At: [www.west-midlands-pa.gov.uk/documents/committees/public/2010/09a_PolAuth_30Sept2010_Review_of_Project_Champion.pdf#search="project%20champion"](http://www.west-midlands-pa.gov.uk/documents/committees/public/2010/09a_PolAuth_30Sept2010_Review_of_Project_Champion.pdf#search=)



5 Committee Findings

5.1 Scale and Aim

5.1.1 A question was posed throughout the evidence gathering about the scale of this project compared to other projects in Birmingham and whether this alone did not ring alarm bells for those people engaged in decision-making or oversight. Because ANPR appears to be police-led in the City with no apparent City Council involvement in prior schemes there seems to have been a lack of knowledge about the scale of the Project. However, the Safer Birmingham Partnership's Reassurance Officer did confirm that the 22 additional CCTV sites in the Washwood Heath area and the 16 in the Sparkhill area are consistent with other residential schemes in the City but:

From what I understand ... I do not believe that there is another area of Birmingham that has anywhere near as many ANPR sites and certainly not in the concentrated clusters supported by Project Champion.¹²⁰

5.1.2 The justification for the Project given by West Midlands Police and the Safer Birmingham Partnership to Councillors and the public has been about the impact on community safety issues in general. The justification for Sparkbrook and Washwood Heath wards has been that they were 7th and 9th on crime measures out of the City's 40 wards (with 2,500 and 2,467 crimes each year respectively) and that the other wards which were worse affected already have cameras.¹²¹ However, we have not sought to check this information as we do not believe that this information was used when deciding on the location of the Project and that such statistics have been used to divert public attention from the real intent of the Project.¹²²

5.1.3 By July 2010 an additional reason for the Project was added to the above in presentations from the Safer Birmingham Partnership (as officers became aware of the details of the project):

They met the criteria defined by APCO TAM, which specifically states that “a force must prove a project will deter or prevent terrorism or help to prosecute those responsible”. The selected areas were considered to be vulnerable to violent extremism and so Project Champion was eligible for a capital grant.¹²³

¹²⁰ Safer Birmingham Partnership evidence tabled at Local Services and Community Safety Overview and Scrutiny Committee 25th August 2010

¹²¹ Presentation by Director of the Safer Birmingham Partnership to Hall Green Constituency Committee 8th June 2010, included in evidence to Local Services and Community Safety Overview and Scrutiny Committee 23rd August 2010 (based on 2007/8 data.) (Elsewhere on this set of powerpoint slides is the assertion that Sparkbrook's baseline rank was 9/40 and Washwood Heath's was 10/40.)

¹²² The Thames Valley Police report provides evidence which can support this view. For example Senior Police Officers being asked to develop a “narrative to support Project Champion. This must include high crime areas.”

¹²³ Safer Birmingham Partnership briefing to Local Services and Community Safety Overview and Scrutiny Committee 13 July 2010



5.1.4 The Human Rights Campaigning organisation, Liberty suggests that:

The scheme was wholly disproportionate to the problem it sought to address (a perceived threat of terrorism from individuals living in the targeted areas). It was unprecedented in its scale and type – we are not aware of any other surveillance scheme targeted on an entire residential community and involving a "ring of steel" of ANPR cameras. It remains unclear how the scheme would have assisted in preventing or detecting acts of terrorism, and the impact on the privacy of innocent residents appears to have been completely overlooked.¹²⁴

5.2 Decision-Making & Accountability

5.2.1 It would appear that the following decisions have been made by:

- West Midlands Police to apply for funding;
- ACPO TAM to recommend funding;
- Home Office to agree funding; and
- The Chief Executive and senior Councillors of the City Council at a high level briefing (February 2008) to support the Project; and
- The Counter Terrorism Unit to commission the Olive Group.

5.2.2 A key decision by the West Midlands Police Authority was to accept funding (February 2008) and to discuss the agenda item in private on the grounds of confidential information. We saw in section 4.2.12 that there is a difference of view on record about the information available at that meeting. It is clear, however, that it was one of a series of discussions and decisions about counter terrorism; that information was not available in advance; and that available information (unless removal of redaction were to evidence otherwise) did not name the areas where the Project would be implemented, nor indicate the intensity of the Project. We have to conclude, nevertheless, that the West Midlands Police Authority made their decision on the basis of understanding it was a counter terrorism project. Given that the Councillor representing Birmingham who provided evidence to us was unaware of this issue this may indicate the challenges of adequately understanding and holding the Police to account. Short term appointments may exacerbate this problem.

5.2.3 Further decisions taken regarding installation include:

- West Midlands Police advised by Olive Group on positioning of equipment;

¹²⁴ Included in evidence to Local Services and Community Safety Overview and Scrutiny Committee 23rd September 2010



- City Council officers from Highways granting 53 licences for the placement of permanent apparatus on the public highway in relation to avoiding a safety hazard for highway users and the structural integrity of street furniture.

5.2.4 At no point did it ever come into the City Council formal decision-making process as this process concerns predominantly spend and strategy. To reiterate this: at no point was the City Council ever asked formally to agree capital spend, and nor has any such decision been made.

5.2.5 It would appear that Planning Management officers within the City Council were not involved prior to installation of the cameras (even though some were installed in a conservation area).

5.2.6 The Director of the Safer Birmingham Partnership took a decision, under delegated authority in February 2010, to agree to fund a proportion of revenue funding.¹²⁵

5.3 Public Facing Consultation & Information

5.3.1 This was limited and inaccurate, at least until the Project became headline news.

5.3.2 In terms of information it is clear that West Midlands Police and the Police Authority had clear knowledge that this was a counter terrorism project in both intent and funding.

5.3.3 The level of knowledge within the Safer Birmingham Partnership is harder to ascertain. One member of the Safer Birmingham Partnership staff told us that whilst he was not aware of the funding source his background in the Police had led him to understand that there was an element of covering counter terrorism.¹²⁶

5.3.4 A Police Inspector also based within the Safer Birmingham Partnership and involved with the Project has stated that:

The installation of ANPR cameras had always been around counter terrorism as well as the wider context of community safety.¹²⁷

5.3.5 Although this does not provide clear evidence of his personal knowledge, it would indicate that there was some understanding of the potential for counter terrorism aims of the Project within the team.

5.3.6 Nevertheless, the Director has been consistent in her assertions that she did not know where the money had come from (hearing "Home Office" and not understanding ACPO TAM) and that she understood the Project to be for managing a wide spectrum of community safety issues, which

¹²⁵ Safer Birmingham Partnership Project Champion Briefing for Local Services and Community Safety Overview and Scrutiny Committee, 7 June 2010 says the revenue costs of approximately £70,000 per annum have been split 70:30 between West Midlands Police and the Safer Birmingham Partnership – Safer Birmingham Partnership paying the smaller percentage.

¹²⁶ Local Services and Community Safety Overview and Scrutiny Committee Minutes 23rd August 2010

¹²⁷ Moseley and Kings Heath Ward Committee Minutes 9th June 2010. Included in evidence to Local Services and Community Safety Overview and Scrutiny Committee 23rd August 2010.



would include counter terrorism. She may not have understood the intensity and geography of the Project. It would appear that the Police Authority were also not aware of this, nor questioned it as it was seen as “a policing operational matter.” We find it very hard to accept that someone could attend agenda items of meetings of the Counter Terrorism Executive Project Board which had responsibility for implementing the Project and fail, in this context, to understand the purpose of the Project.

5.3.7 It is clear that neither Councillors nor the Public were told the truth about the primary aims or source of funding for the Project by West Midlands Police. Liberty suggests that:

The secrecy surrounding the purpose of the project was inappropriate and was bound to result in a breakdown in relations between the community and the police. It was extremely short-sighted to think that the true purpose could be concealed when the targeting of the Muslim community was so obvious from the location of the cameras.¹²⁸

5.3.8 Turning to consultation, there was a lack of clarity about the decision-making regarding consultation.

5.3.9 At the Hall Green Constituency Committee of 8th June 2010¹²⁹ the Director of the Safer Birmingham Partnership said that there had been a decision taken not to have a public consultation, but to consult with appropriate Councillors instead. Later on she conceded that this had been a misunderstanding of the Police “in taking the issue in private and that there had never been a decision to not consult the public”.¹³⁰

5.3.10 On the 9th June 2010 a West Midlands Police representative stated that:

Consultations were regularly undertaken by the Police, but that the decision in this instance not to consult had been taken at a higher level.¹³¹

5.3.11 On the 26th June 2010 the West Midlands Police Authority denied they had played a role in constraining consultation:

It has been said that the Authority decided to limit or restrict consultation about Project Champion. This is not the case. The Authority did approve the procurement of equipment for the project in the private portion of its agenda in

¹²⁸ Included in evidence to Local Services and Community Safety Overview and Scrutiny Committee 23rd September 2010

¹²⁹ Included in evidence to Local Services and Community Safety Overview and Scrutiny Committee 23rd August 2010

¹³⁰ It was later clarified to the Director of the Safer Birmingham Partnership that this decision related to the procurement issues in the report and not consultation with the public. It appears that the Police Authority does not have a public and private report as does the City Council, to deal with such private matters. Safer Birmingham Partnership evidence to Local Services and Community Safety Overview and Scrutiny Committee.

¹³¹ Moseley and Kings Heath Ward Committee Minutes 9th June 2010. Included in evidence to Local Services and Community Safety Overview and Scrutiny Committee 23rd August 2010.



February 2008. There was no dissent from the decision. The decision to take this item in private is in line with the treatment of all contractual matters which include commercially sensitive information. The project, at that early stage, did not include reference to consultation or communication plans. These came later. When they were prepared in 2009, and considered by the Force's internal programme management structures, the Authority was aware that this included a consultation and communication plan and engagement with elected councillors. At no time did the Authority limit or restrict consultation.¹³²

- 5.3.12 As noted in Chapter 3, the police service talks about policing by consent. Certainly that principle seems to have been lost in the implementation of the Project and we note the view of a member of the public that "things were being done to rather than done with the community."¹³³
- 5.3.13 Community safety projects in the City can clearly be 'owned' and managed by the Police, the Safer Birmingham Partnership, the City Council or the voluntary sector too. One would assume that any community safety project has a clear lead organisation (although clearly that became blurred in this situation). It is important for all community safety projects to have a clear line of accountability and clarity about which organisation is leading. It is in our view for this organisation to lead on both community and Councillor consultation. If the Safer Birmingham Partnership is involved in projects it is appropriate for it to clarify and challenge on matters pertaining to consultation, as well as to advise and, where appropriate, facilitate opportunities within the City Council's processes.
- 5.3.14 Overall, information supplied to Councillors and the public was based on incorrect, and at best incomplete, information. Linked to this the lack of real consultation is unacceptable. A question in the House of Lords relating to Project Champion elicited support for this view:

The Government assess the consultation process to have been inadequate.¹³⁴

5.4 Roles

- 5.4.1 There would appear to be some lack of clarity of roles and processes of Birmingham City Council and the Safer Birmingham Partnership.

Role of Safer Birmingham Partnership

- 5.4.2 It is unclear as to whether the involvement of the Safer Birmingham Partnership in this Project has led to some of the confusion about approvals and accountability.

¹³² www.west-midlands-pa.gov.uk/viewpr.asp?id=73&category=pressreleases.

¹³³ Sparkbrook Ward Committee Minutes 22nd June 2010 included in evidence to Local Services and Community Safety Overview and Scrutiny Committee 23rd August 2010.

¹³⁴ Written answer Baroness Neville-Jones (Minister of State (Security)). 26th July 2010. At: www.theyworkforyou.com/wrans/?id=2010-07-26a.303.3&s=anpr#g304.0



- 5.4.3 Project Champion is clearly a Policing matter in which the Partnership's role appears to have been to help with briefing of Councillors. The role the Partnership was expected to play regarding community consultation is unclear, but no evidence has been found to indicate that they were expected to lead on this.
- 5.4.4 In the narrative it is straightforwardly a policing project in 2008. At some point in 2009 it appears to have become a Safer Birmingham Partnership project. The former Chair of the Partnership (ACC Hyde) committed the Partnership to this project.

Role of City Council and Councillors

- 5.4.5 The complexity of counter terrorism approvals and responsibilities was outlined in section 2.6.5. However, for this Project, the relevant Cabinet Member was the Cabinet Member for Local Services and Community Safety.
- 5.4.6 The Cabinet Member for Local Services and Community Safety had limited involvement and has not been asked to take any decisions relating to this Project. A Cabinet Member briefing paper setting out options would have provided an opportunity for challenge.
- 5.4.7 There are currently two Councillors who represent Birmingham City Council on the West Midlands Police Authority. The lead member reports to the City Council annually. However, there appears to be no other formal feedback mechanism to the City Council or even relevant Cabinet Members.
- 5.4.8 In terms of local ward Councillors the minutes of the 29th April 2009 West Midlands Police meeting would suggest that they were expected to lead on consultation with the inaccurate information they were in possession of and there was certainly uncertainty about the next steps and nothing on timescales and responsibilities, let alone how progress was to be communicated to Councillors. Councillors understand local forums and communities and can advise or how best to consult in their areas. They can also facilitate consultation through Ward and Constituency committees. But it is unreasonable to ask Councillors to take full responsibility for consultation. It is in any case wholly unacceptable to ask Councillors to consult on the basis of false information.
- 5.4.9 It appears unclear as to whether the City Council has a distinct voice on community safety issues or whether the Safer Birmingham Partnership acts on its behalf. Overall this Project makes it apparent that there may be no officer responsible to and representing the City Council with regards to community safety. We question the extent to which officers within the Safer Birmingham Partnership are, at times, required to wear both these hats.
- 5.4.10 It is of some concern that the Planning Committee had no opportunity to consider applications for or place conditions (such as the colour) on ANPR and CCTV installations if the City Council is involved in their "administration". This is particularly concerning within a conservation area.



Role of West Midlands Police Authority

5.4.11 The West Midlands Police Authority describe their role as:

Mak[ing] sure the local police force is efficient and effective and seek[ing] to improve policing performance and standards. It is our job to make sure that local people have a say in how they are policed and to hold the chief police officer to account for the services delivered. Police authorities also set the force budget and decide how much money to raise towards the cost of policing through the local council tax.¹³⁵

5.4.12 We were told by the Chair of the West Midlands Police Authority that the information before the Police Authority on 14th February 2008 had been in order to consider the Capital Programme. He stated that the Police Authority's role was to ensure that the money was spent in accordance with an agreed programme.¹³⁶

5.4.13 The decision appears to have been merely about whether the Project met the requirements of the capital programme, and not whether it was a proportionate response to an identified concern. Timescales seemed to have been against the Police Authority members and advance information may well have been lacking. We would argue the need to ensure a more systematic holding to account. At best there appears to have been a lack of inquisitiveness.

5.4.14 Beyond that initial meeting, we query why there seems to have been (assuming relevant information was released under the Freedom of Information requests) no attempts made by the Police Authority to check on progress of the promised 'in principle' funding. Again, this indicates a lack of inquisitiveness.

5.4.15 We have a concern as to what constitutes a policing operational matter. Project Champion has been referred to in the House of Lords as being "primarily a local police operational matter"¹³⁷ and the Police Authority have also emphasised the need for the Police to have "operational independence".¹³⁸

5.4.16 The Code of Corporate Governance for the Police Authority says:

Both West Midlands Police Authority and West Midlands Police recognise that they have clear and complementary responsibilities. West Midlands Police Authority recognises that the Authority cannot give directions to the Chief Constable or any constable concerning the exercise of any power or discretion

¹³⁵ www.west-midlands-pa.gov.uk/whatiswmpa.asp

¹³⁶ Local Services and Community Safety Overview and Scrutiny Committee Minutes 25th August 2010

¹³⁷ Hansard, 30 June 2010. Response to Lord Corbett of Castle Vale by Minister of State, Home Office (Baroness Neville-Jones. At: www.publications.parliament.uk/pa/ld201011/ldhansrd/text/100630w0003.htm

¹³⁸ Local Services and Community Safety Overview and Scrutiny Committee Minutes 25th August 2010



exercisable by virtue of their office. Operational matters are the Chief Constable's responsibility.¹³⁹

- 5.4.17 Once an issue is being treated as an operational matter opportunities for Police Authority challenge and accountability diminish. We would argue that the introduction of new intensive surveillance fixed technology into two distinct parts of the city is a new strategic direction and a new approach to policing communities, not merely an operational policing matter and that the Police Authority should not have been so diffident in their dealings with the Police.
- 5.4.18 One of the Police Authority's role is to ensure that community engagement is robust. We note that in a discussion about Project Champion at their June 2010 meeting members:
- ...considered that when the Authority had become aware in 2009 of the consultation and communication plans and engagement with elected councillors, it could have done more to assure itself of the extent of the consultation.¹⁴⁰
- 5.4.19 We also question the skills and knowledge required by Councillors to effectively hold West Midlands Police to account and are concerned that short term appointments can hinder developing these. We have not explored the issue, but wonder whether Councillors on the Police Authority need more support to be effective in their role.
- 5.4.20 Whilst we acknowledge that Police Authorities may in the future be replaced by elected Police Commissioners under current Government proposals and would like to be in a position to make recommendations regarding scrutiny and accountability, we recognise that the details are far from being finalised. We would, however, want some of the lessons learnt from this Project to be considered when developing new processes and relationships in the future.

Role of West Midlands Police

- 5.4.21 We are aware of the enormous amount of good partnership working with West Midlands Police, particularly at a local level, where officers of both the City Council and West Midlands Police work together to tackle local issues. Whilst Project Champion has damaged public confidence in the Police we draw a clear distinction between this and the day-to-day working of the Police with partners to improve community safety.
- 5.4.22 We also understand the pressure the Police would be under to combat terrorism – particularly following the terrorism attacks in the UK in 2005 and 2007.

¹³⁹ West Midlands Police Authority. *Code of Corporate Governance for the WMPA*. At: www.west-midlands-pa.gov.uk/documents/main/7/Code_of_Corporate_Governance.pdf.

¹⁴⁰ West Midlands Police Authority Minutes 24th June 2010. At: [www.west-midlands-pa.gov.uk/documents/committees/public/2010/01_PolAuth_30Sept2010_Minutes_of_Last_Meeting.pdf#search="project%20champion"](http://www.west-midlands-pa.gov.uk/documents/committees/public/2010/01_PolAuth_30Sept2010_Minutes_of_Last_Meeting.pdf#search=)



- 5.4.23 The secrecy of the Project meant that neighbourhood policing teams were unaware of the Project, which meant that opportunities to pick up concerns at an earlier stage were lost.
- 5.4.24 We are concerned that West Midlands Police did not appear to understand the decision-making process that is inherent to the democratic structures of the City Council. More needs to be done on both sides to clarify the processes that are required to secure City Council funding and to note the levels of disclosure that are required.
- 5.4.25 We have found no evidence that an Equality Impact Needs Assessment (EINA) was carried out.
- 5.4.26 Mention was made in the public meeting in July 2010 of the community impact assessment process. We have not found a West Midlands Police description of this, but assume that they follow similar procedures to Manchester where it is described as being to assess levels of tension, serve as a record of the decision-making process and ensure they meet legal requirements to meet legal duties of assessing the impact on BME communities and promoting good relations between people of different racial groups. A specific question that is asked in this process: "What (if any) specific individuals, organisations or groups are likely to be affected?"¹⁴¹
- 5.4.27 The process also requires identification and mitigation of risks.
- 5.4.28 If either an EINA or community impact assessment had been carried out in a meaningful way, it should have become obvious that there would be a disproportionate level of surveillance upon the communities affected, and which contain high numbers of Muslims. Liberty notes:

It is worrying that no-one involved in the project considered the possibility that a scheme which had such a disproportionate effect on the Muslim community might be counterproductive in tackling extremism. Had an equality impact assessment been carried out it is likely that this possibility would have been recognised and addressed.¹⁴²

Role of Association of Chief Police Officers (ACPO)

- 5.4.29 The role of the Association of Chief Police Officers (ACPO) was key as they recommended the release of funding to the Home Office. While it is not our business to conduct a review of ACPO it is appropriate that we consider their role.
- 5.4.30 Most members of the public probably think of ACPO as a club or union of Chief Police Officers. In fact it has grown enormously in power and influence in recent years. It has a comprehensive structure considering many policy areas. Its funding has also grown but information is not readily

¹⁴¹ Greater Manchester Police. *Community Impact Assessment* (Draft) At: [www.gmp.police.uk/mainsite/0/8CC7DB43D53D829A802577740053289F/\\$file/Appendix%20E%20-%20Community%20Impact%20Assessment%20Template.pdf](http://www.gmp.police.uk/mainsite/0/8CC7DB43D53D829A802577740053289F/$file/Appendix%20E%20-%20Community%20Impact%20Assessment%20Template.pdf)

¹⁴² Letter from Liberty included in written evidence to Local Services and Community Safety Overview and Scrutiny Committee, 23rd September 2010



available. ACPO is a private company limited by Guarantee, but is non profit distributing. According to its Memorandum of Association it is an “independent, professionally led strategic body.”

5.4.31 Its main objects may be summarised:

- To provide strong and visible leadership for the Police Service;
- To develop a doctrine for the service;
- To coordinate the strategic policing response;
- To develop professional standards;
- To provide services to members; and
- To develop business activities.

5.4.32 Although it has no direction and control over Chief Constables, ACPO appears almost to act as the command structure of a National Police Service. It is not for us to question that function but we do question whether all these powers should be in the hands of a private company when members elect their own officers and directors and which has no constitutional responsibility or accountability to the Home Office or Parliament.

5.4.33 During their evidence to the Committee, West Midlands Police Authority also expressed concern at the role of ACPO and we note that a review is being undertaken.

5.5 Other Concerns Regarding Project Champion

Community Cohesion Concerns

5.5.1 Liberty suggests that the way the Project has been devised and implemented constitutes direct discrimination. We also recognise the concerns that it has labelled or stigmatised an area. For example at one meeting a teacher in Sparkbrook advised that his pupils felt they were being treated as potential terrorists.¹⁴³

5.5.2 At another meeting there were concerns raised that some people involved in grass roots Prevent projects intended to tackle violent extremism had walked away from them due to mistrust in West Midlands Police and the City Council. The long term outcome of this may be that Project Champion disrupts the valuable role that local policing teams carry out, building trust and confidence and gathering valuable intelligence because many of these relationships may have broken down, due to decisions taken higher up the policing hierarchy.

¹⁴³ Minutes Moseley and Kings Heath Ward Committee, 9th June 2010. Included in evidence to Local Services and Community Safety Overview and Scrutiny Committee 23rd August 2010.



Legal Concerns

5.5.3 The Human Rights campaigning organisation Liberty has raised a number of concerns in the letter they wrote asking for judicial review and in a newspaper article.¹⁴⁴ The first issue was human rights legislation. Second they cite the Race Relations Act 1976 and the need to eliminate racial discrimination and promote equality of opportunity. They argue that failure to carry out an Equalities Impact Needs Assessment indicates a failure to meet the requirements of the Act. Third they cite the failings of consultation: both a failure to consult with the community, although there was an expectation of consultation, and within the limited consultation, failure to disclose the counter terrorism aspects of the Project. Finally the Data Protection Act is cited and the requirement to act fairly, which they argue includes installing signage regarding filming. They argue that the covert cameras are in breach of this.

CCTV Strategy

5.5.4 The Birmingham Open Space CCTV Strategy is dated 2008 and came, at the time, under the Community Safety Partnership, the forerunner to the current Safer Birmingham Partnership. We, therefore assume that it is a partnership document, and therefore that partners have signed up to the approach it sets out. Moreover at the 29th April 2009 briefing Councillors were informed that the Project was a Partnership approach to CCTV.

5.5.5 Although we assume that the CCTV Reassurance Officer within the Safer Birmingham Partnership does follow the strategy it may not be fully embedded across the City Council (with, for example, Legal Services unaware of their allocated role).¹⁴⁵ However, the lack of consultation alone would indicate that West Midlands Police are not following it.

5.5.6 Any references to ANPR in the strategy are in passing and no other surveillance technology which may be trialled within the next five years does have a mention.

¹⁴⁴ www.guardian.co.uk/commentisfree/libertycentral/2010/jul/06/birmingham-cctv-unlawful-liberty

¹⁴⁵ CCTV strategy gives Legal Services no explicit role in relation to the legality of schemes, data protection issues or privacy compliance. It does say that " Whenever it is proposed that a public space CCTV scheme is to be financially supported by future private or alternative public revenue contributions, this arrangement will be subject to a legally binding contract, ratified by the Council Legal Services Department in advance of any capital expenditure being incurred"



6 Conclusions and Recommendations

6.1 Overview

6.1.1 Our key question was: "is the installation of large numbers of CCTV and ANPR cameras concentrated in specific areas beneficial and justifiable?" We received no positive evidence from the police or anybody else that this is the case. There is a balance to be achieved between acceptable surveillance and excessive intrusion into personal freedom and privacy. We are clear that Project Champion overstepped this boundary and that the Project was unacceptable in the way it was constructed to target the Muslim community.¹⁴⁶ However, we acknowledge that appropriate, local CCTV schemes in the City have widespread support.

6.1.2 The key findings from our investigations are:

- a. There appears to have been little discussion and scrutiny until it came into the public domain in April 2010 about whether the approach involved was appropriate and proportionate and no consultation on its real purpose. At no point in the decision making process is there any evidence that questions were asked about the ethics of ringing a community in this way and what it would both look and feel like to local communities;
- b. The briefing of some Councillors on 29th April 2009 was deliberately misleading with the paramount purpose of counter terrorism being underplayed, even following Councillors specific queries. Moreover, all information supplied to Councillors prior to April 2010 has been equally misleading;
- c. We recognise West Midlands Police should keep some matters confidential, but the tactic to deliberately mislead Councillors about the real purpose and nature of the Project inevitably brought avoidable criticism of the Police when the true purpose and nature emerged;
- d. Linked to this, the thorough adoption of the "need to know" basis¹⁴⁷ and "indoctrination of personnel"¹⁴⁸ by the Police (West Midlands Police and the Counter Terrorism Unit) led to a lack of transparency and ensured that some people who would have understood the consequences were not aware of the Project;
- e. There was lack of public consultation at the appropriate times;

¹⁴⁶ 49% of Muslims in Birmingham live in the four wards of Sparkbrook, Springfield, Bordesley Green and Washwood Heath. Birmingham City Council. 2001 Population Census in Birmingham. Religious Groups Profile.

¹⁴⁷ West Midlands CTU memo to the Chief Constable & Chief Executive of West Midlands Police Authority 3rd September 2008 included in evidence to Local Services & Community Safety O&S Committee on 23rd August 2010

¹⁴⁸CTU Executive Project Board Minutes, 28th July 2010 included in evidence to Local Services and Community Safety Overview and Scrutiny Committee 23rd August 2010



- f. The Birmingham Public Space CCTV Strategy emphasises the need to maintain public support and consultation, but was ignored;
- g. The Police "trust and confidence" agenda was also apparently ignored. Generally, the Police recognise it is critical to maintain public support as the best source of intelligence;
- h. Nobody seemed to recognise the danger of public reaction when the true nature of the Project was discovered - which was inevitable;
- i. The West Midlands Police Authority understood the intent of the Project and approved the expenditure but did not recognise how the Project would look and feel. They did not apply a high enough level of scrutiny;
- j. West Midlands Police reported to the Police Authority in February 2008 that the City Council had agreed, in principle, to pay in the region of £500,000 towards the Project and to share revenue costs of some £400,000. Either the Police had been led to believe this or they deliberately misled the Police Authority. Our concern is that Police Authority Members would assume from the paper submitted in February 2008 that the City Council had been consulted on and supported this project;
- k. Overall, there appears to be a misunderstanding between the Police, Birmingham City Council and the Safer Birmingham Partnership as regards the processes and approvals required to secure funding from the City Council. There is a lack of understanding of respective roles and processes between the Safer Birmingham Partnership, the City Council and the Police;
- l. The Cabinet Member for Local Services and Community Safety was not properly briefed; and
- m. The Cabinet Member for Equalities and Human Resources who has responsibilities for preventing violent extremism was not consulted at all.

6.1.3 The Director of the Safer Birmingham Partnership who was appointed during the process should have become alerted to the implications of the Project at an earlier stage. She was insufficiently challenging of West Midlands Police when attending meetings hosted by the Counter Terrorism Unit. Even after questions started being raised in public arenas in April 2010, she continued to repeat the narrative in public meetings that the cameras would tackle wider crime prevention. Regarding the briefing of Councillors on 29th April 2009 the Director of the Partnership was remiss in not following up and feeding back on concerns raised by Councillors, given that by then the Project had been branded as a Partnership project.¹⁴⁹ Asking Councillors to lead on the public consultation following that meeting was not appropriate.

6.1.4 The Project became a Safer Birmingham Partnership branded project in 2009, but no decision was made by the Executive Board to agree this. The former Chair of the Partnership (who was also the

¹⁴⁹ The Thames Valley Police report suggests that the meeting on the 29 April 2009 "should have been a red flag to senior [Police] officers indicating a need to step back and think through the plans."



Assistant Chief Constable who briefed Councillors at the April 2009 meeting) committed the Partnership to this project.

- 6.1.5 The Director of the Safer Birmingham Partnership fronted the public meetings in April to June 2010 and continued to describe Project Champion as a broad crime prevention project. We fail to understand why the Police did not seek to correct that impression.
- 6.1.6 Whilst the Birmingham Public Space CCTV Strategy 2008 is a Community Safety Partnership document (the forerunner to the Safer Birmingham Partnership) it has been unclear to what extent it is a true partnership document, signed up to by all members of the partnership, or whether it is a City Council document. We have to assume it is a partnership document, and, therefore, are very concerned that it was not adhered to. Moreover, our concern that it does not appear embedded in procedures is exemplified by the City Council's Legal Services' seeming unawareness of the role outlined for them.¹⁵⁰
- 6.1.7 On broader issues whilst we understand that West Midlands Police were worried about compromising their own review into Project Champion we felt that matters of fact were unanswered when the Police attended an evidence gathering session and would like to express our regret and concern at this unhelpful approach to the Overview and Scrutiny Committee meeting.
- 6.1.8 We are concerned about the lack of accountability of the Association of Chief Police Officers, a company limited by guarantee¹⁵¹ which has been managing large amounts of Home Office funds.¹⁵² For example, it is not subject to Freedom of Information requirements.
- 6.1.9 There was some concern that the "Independent Review" carried out by the Chief Constable of Thames Valley Police, Sara Thornton, was to the outside world an internal review, as it was led by a Police Officer who plays a role in the Association of Chief Police Officers Terrorism and Allied Matters Committee (ACPO TAM) which allocated the original resource.
- 6.1.10 The Committee wanted to commend the work of local Councillors and residents in uncovering the true nature of Project Champion.
- 6.1.11 Many local ward Councillors remain adamant that the cameras should be removed as an essential step to gain public trust and confidence. Some Committee Members support this view. However, we recognise that consultation with local residents is planned, and are of the opinion that the final verdict should come from the process developed by the Project Board.
- 6.1.12 To conclude, at best it can be said that there was a catastrophic lack of inquisitiveness about this Project by the two organisations that should have been scrutinising the Project on the public's behalf: the Police Authority and the Safer Birmingham Partnership. Basic questions were not asked: what were the specifications for the Project, how was the data to be used, what would the

¹⁵⁰ Email from Legal Services, 11th October 2010

¹⁵¹ www.acpo.police.uk/about.html

¹⁵² ACPO TAM is responsible for counter terrorist grant outside London (currently circa £173m); Metropolitan Police Authority report. 5 March 2009. At: www.wmpa.gov.uk/committees/sop/2009/090305/11/



impact on community relations be, how effective would the Project be, and more seriously, they failed to recognise the significance of the Project and its impact upon local communities.

6.2 Recommendations

Information and Consultation

6.2.1 The lead organisation for a community safety project should assume responsibility for consulting on it. There should be a presumption that consultation on projects, strategies and new approaches should be carried out when appropriate. Consultation strategies or plans should be shared with local Councillors. Consultation needs to be based on accurate information.

	Recommendation	Responsibility	Completion Date
R01	<p>That all partners of the Safer Birmingham Partnership agree to the principles of:</p> <ul style="list-style-type: none"> • A lead organisation being responsible for consultation on each project; • Consulting on community safety projects and strategies with Councillors and communities; and • Consultation being based on as accurate and complete information as is available; <p>All partners should confirm that relevant community engagement strategies reflect these principles.</p>	The Chair Safer Birmingham Partnership	May 2011

City Council

6.2.2 In general, we consider that there are opportunities to strengthen, or review, accountability and reporting within the City Council. With regards to how the City Council interacts with West Midlands Police and other partners in relation to the Government's Counter Terrorism "Contest" strategy the Deputy Leader should review reporting arrangements.

6.2.3 We have seen no processes to ensure that the Cabinet Member for Local Services and Community Safety receives any briefings from the City Council representatives on the Police Authority. Steps should be taken to support a robust mechanism to brief the Cabinet Member and the Lead Officer on issues affecting Birmingham.

6.2.4 There needs to be a distinct Lead Officer representing the City Council's interests regarding Community Safety to protect the City Council from financial or reputational risks.

6.2.5 Highways should develop a mechanism to inform the Cabinet Member for Local Services and Community Safety of street works licences granted for surveillance installations and of any new proposals. This information should include a map.



	Recommendation	Responsibility	Completion Date
R02	That the City Council's Police Authority representatives inform, discuss and feedback to the Cabinet Member for Local Services and Community Safety on all relevant Police Authority business.	Cabinet Member for Local Services and Community Safety	May 2011
R03	That the City Council ensure that there is a Lead Officer representing the City Council's interests on community safety issues.	Cabinet Member for Local Services and Community Safety	May 2011
R04	That the Deputy Leader revisits reporting responsibilities to ensure that there are clear lines of accountability within the City Council in relation to community safety and counter terrorism matters.	Deputy Leader	March 2011
R05	That the Cabinet Member for Transportation & Regeneration establish a mechanism to ensure the Cabinet Member for Local Services and Community Safety is alerted to surveillance installations in the future (other than those for solely traffic monitoring purposes).	Cabinet Member for Transportation and Regeneration	March 2011

Safer Birmingham Partnership

- 6.2.6 The Safer Birmingham Partnership needs to ensure the Cabinet Member for Local Services and Community Safety is kept fully informed of projects the Safer Birmingham Partnership are involved in, even if the City Council or Safer Birmingham Partnership are not contributing financially. If decisions are made on projects where the total cost of the project (revenue and capital) is above officer delegated decisions this should be approved by the Cabinet Member. If the Partnership is involved in installation or use of surveillance technology briefings should include information on the aims, the costs and how capital and revenue costs are being covered, where they will be located, who is monitoring them and how the data will be stored.
- 6.2.7 A review of decision-making procedures within the Safer Birmingham Partnership should be undertaken.
- 6.2.8 The Birmingham Public Space CCTV strategy needs to be revised and strengthened to include other surveillance technologies and the requirement for an Equality Impact Needs Assessment. There is a need to ensure that all stakeholders in the strategy adhere to it. There needs to be clarity about which partners have signed up to this and there should be guidelines to aid transparency relating to financial contributions.



	Recommendation	Responsibility	Completion Date
R06	That the Safer Birmingham Partnership review and strengthen reporting mechanisms to the Cabinet Member and ensure appropriate accountability for all decision-making.	The Chair of the Safer Birmingham Partnership	March 2011
R07	That the Safer Birmingham Partnership revise and embed the Closed Circuit Television (CCTV) strategy to be relevant to Automatic Number Plate Recognition (ANPR) (other than those used solely for traffic monitoring purposes) plus other emerging technologies such as facial recognition and voice recording and perhaps aerial reconnaissance.	The Chair of the Safer Birmingham Partnership	November 2011

West Midlands Police

- 6.2.9 We understand that West Midlands Police still need to apply their “need to know” approach to some projects, but there needs to be transparency and accuracy for effective partnership working.
- 6.2.10 The Police need to ensure that they have properly authorised approvals for any funding commitments from Birmingham City Council or the Safer Birmingham Partnership.
- 6.2.11 The Police need to work to continue to repair trust and confidence.
- 6.2.12 The Committee would welcome reports from West Midlands Police on steps taken to:
- Ensure Birmingham City Council and Safer Birmingham Partnership funding approvals are properly authorised;
 - Ensure that Councillors and Officers receive accurate information; and
 - Rebuild trust and confidence.

West Midlands Police Authority

- 6.2.13 In terms of decision making we suggest that the West Midlands Police Authority needs to give more weight to equal opportunities and community impact issues. They also need to ensure decisions regarding capital projects are made not just on the basis of balance sheets, but as projects with impacts on individuals and communities.
- 6.2.14 Councillors who may serve on the West Midlands Police Authority for just 12 months need appropriate support to be effective. Whilst we were not able to investigate this, we would ask the Police Authority to ensure that their support is effective, within existing resources.



- 6.2.15 The West Midlands Police Authority need to give priority to their role to support public accountability. The decision in February 2008 was taken in private. We suggest that the approach adopted within Birmingham City Council for confidential issues is considered. Any private decision taken by Councillors also has a public report setting out the background to the agenda item so key information is in the public domain. We have also noted the good practice of one Police Authority which provides a quarterly report to its Standards Committee regarding all items that were taken in private and the reasons for these decisions.¹⁵³
- 6.2.16 It is clear that although there has been some communication with Councillors and the public about this scheme at no time had this related to the true nature of the project. It is clear that there needs to be an improved way of having dialogue with local communities around terrorism threats and counter terrorism responses. Whilst we accept this can be very difficult we note the work carried out in London by the Metropolitan Police Authority¹⁵⁴ and suggest that the West Midlands Police Authority and West Midlands Police should work with key stakeholders in the city to find a way forward.¹⁵⁵
- 6.2.17 The Committee would welcome feedback from the West Midlands Police Authority on steps taken to:
- Ensure that all new Members serving on the West Midlands Police Authority are properly inducted, trained and supported to enable rigorous challenge;
 - Improve accountability for decisions taken in public and private; and
 - Work with West Midlands Police and other stakeholders to improve communication and engagement regarding terrorism.
- 6.2.18 We will continue to monitor these issues.

Government

- 6.2.19 We recommend to the national Security and CCTV Reviews that this experiment of intensive surveillance of communities should not be repeated elsewhere in the country as it is not a proportionate response to perceived and actual threats; it stigmatises areas and communities; and can be discriminatory.
- 6.2.20 The Government needs to establish guidelines to assist decision-makers in achieving the correct balance between human rights and freedom from surveillance. We accept that this is also a matter for the courts to determine.

¹⁵³ Leicestershire Police Authority. For example: <http://www.leics-pa.police.uk/files/library/3j.pdf>

¹⁵⁴ www.mpa.gov.uk/work/counterterrorism/

¹⁵⁵ Birmingham, is of course different to London and has its own issues, communities and concerns and we need to support a way of discussing terrorism that befits our city. But we welcome the approach taken by the Metropolitan Police Authority (noted in section 3.2.2) in tackling this issue directly.



6.2.21 We recommend that the Home Secretary should consider the constitutional position of the Association of Chief Police Officers (ACPO) as a private company and ensure it is properly and publicly accountable. ACPO is in a strong position to set policing agendas and strategies, and sits outside the openness and transparency expected of public sector organisations (especially Freedom of Information requirements).

	Recommendation	Responsibility	Completion Date
R08	<p>That the Cabinet Member for Local Services and Community Safety writes to the Home Secretary to request Government to:</p> <ul style="list-style-type: none">• Recommend that intensive surveillance schemes in residential area are not supported elsewhere;• Establish guidelines to assist achieving the correct balance between human rights and freedom from surveillance; and• Ask that the constitutional position of the Association of Chief Police Officers be considered.	Cabinet Member for Local Services and Community Safety	February 2011
R09	<p>That the Cabinet Member for Local Services and Community Safety reports progress towards achievement of these recommendations to the Local Services and Community Safety Overview and Scrutiny Committee in June 2011. Subsequent progress reports will be scheduled by the Committee thereafter, until all recommendations are implemented.</p>	Cabinet Member for Local Services and Community Safety	June 2011



Appendix 1: Terms of Reference

<p>Our key question:</p>	<p>Is the installation of large numbers of CCTV and ANPR cameras concentrated in specific areas beneficial and justifiable?</p>
<p>1. How is O&S adding value through this work?</p>	<p>Project Champion (installation of CCTV and ANPR cameras in 8 wards) has become a controversial issue and this Review will take a high level objective view into CCTV and ANPR cameras considering all the relevant factors and providing a balanced conclusion by which future actions can be judged.</p> <p>Other investigations and consultations are being undertaken, but the Committee felt it important that Members have an opportunity to influence the policy determining future deployment of CCTV and ANPR in the City and subsequent consultation arrangements.</p> <p>When considering how O&S can add value Members should note that other investigations and consultation into this area are likely to be undertaken:</p> <ul style="list-style-type: none"> • Thames Valley Police are conducting an independent review (into the involvement of the West Midlands Police and West Midlands Police Authority in the commissioning, direction, control and oversight of the project, including the information given to, and the involvement of, the community in this project from the initiation of the scheme up to 4 July 2010); • The Human Rights Group, Liberty, have requested a judicial review; • Two Elected Members have complained to the Independent Police Complaints Commission; and • A Government Review into CCTV and ANPR. <p>The Safer Birmingham Partnership has agreed to extensive consultation on this issue and is currently agreeing the scope of this. The Committee will be able to request feedback on the consultation process when this is complete.</p> <p>The Safer Birmingham Partnership Executive Board has been consulted on these terms of reference under the protocol for scrutinising the Safer Birmingham Partnership.</p>
<p>2. What needs to be done?</p>	<p>There are a range of issues to be explored which will enable the overarching question to be addressed. As information is received priorities may change. The 2005 recommendations of the Scrutiny Review of CCTV is an appropriate starting point and the Committee will be updated on the City Council's position on this.</p> <p>The current keys lines of enquiry are two fold. The first key question is whether there are benefits for Birmingham in having localised concentrations of cameras. The second relates to learning lessons from Project Champion in order to make recommendations for improving communication, Member and community consultation and partnership working.</p> <p>BACKGROUND</p> <ul style="list-style-type: none"> • What are the statutory rights and limitations of the Police and the moral



and practical implications?

- What are the statutory rights and limitations of the Safer Birmingham Partnership and the moral and practical implications?
- What are the legal, moral and practical concerns of the local authority and residents?

LINE OF ENQUIRY 1: FUTURE USE OF CAMERAS IN BIRMINGHAM

Attitudes

- To explore Members' support for and concerns regarding the cameras and their views on the purpose and value of the system.

Purpose of CCTV and ANPR Cameras:

- What are the potential benefits of CCTV and ANPR cameras in such density and formation and what are the limitations (to include the advantages i.e. reducing crime, and disadvantages i.e. stigmatising areas and what the cameras can and cannot do)?
- What robust evidence / data would indicate the need for CCTV and ANPR cameras in affected areas and how are / should decisions be taken? What is the added value of these cameras to community security and safety?

Outcome and Impact:

- What is the evidence of similar projects and intensive use of CCTV and ANPR in addressing crime?
- What are the (potential) impacts upon local community safety issues, terrorism and trust and confidence?
- What are the (potential) impacts on the community?

Collection and Use of Data:

- To examine the data that the cameras can capture and the potential for the technology in the future;
- To examine what data can be gathered and how this is stored and used.

Principles

- Can a set of criteria or guidelines be drawn up against which to make judgements of this and current and future CCTV / ANPR systems (considering costs, concerns and benefits)?

LINE OF ENQUIRY 2: PRINCIPLES FOR FUTURE CCTV / ANPR PROJECTS – COMMUNICATIONS, CONSULTATION, PARTNERSHIP WORKING

Consultation

- What lessons have been learnt from the way the consultation was carried out with stakeholders including communities and Members?
- What good practice and guidelines exist relating to communications and consultation and what lessons can be learnt?
- How should consultation be different when new CCTV/ANPR is initiated by the community (bottom up) to when new CCTV/ANPR is initiated on the basis of police intelligence (top down).



	<p>Partnership working</p> <ul style="list-style-type: none"> • What lessons can be learnt to strengthen partnership working and decision-making (with regard particularly to CCTV/ANPR and other surveillance technology)? What should the process of decision-making be?
<p>3. What timescale do we propose to do this in?</p>	<p>Two evidence gathering sessions on:</p> <ul style="list-style-type: none"> • 23rd and 25th August 2010 • Weeks of 30th August / 6th September (additionally if required) <p>The work plan will work towards a scrutiny report being taken to City Council in November. However, the Committee may decide that other outcomes can be more timely.</p>
<p>4. What outcomes are we looking to achieve?</p>	<p>To provide a high level objective view into the issue of CCTV and ANPR cameras considering all the relevant factors and providing a balanced conclusion by which future actions can be judged.</p> <p>In particular:</p> <ul style="list-style-type: none"> - A recommendation about whether the installation of large numbers of CCTV and ANPR cameras concentrated in specific areas in Birmingham is beneficial and justifiable and should be supported by Birmingham City Council; - Principles for improving communications, Member and community engagement and partnership working for CCTV and ANPR projects carried out by the SBP and the City Council in the future.
<p>5. What is the best way to achieve these outcomes and what routes will we use?</p>	<p>The Committee can decide on the appropriate outcome to meet their objectives. This is proposed as a formal Scrutiny Review with a report to City Council. However, outcomes can include letters of findings and recommendations to the Cabinet Member(s), Cabinet, all Members, the Police and the Safer Birmingham Partnership.¹⁵⁶</p> <p>The proposed timescale required for this work is set out below. Consideration needs to be given as to who should be invited to give evidence. It is likely that this should include representatives from the West Midlands Police; the Safer Birmingham Partnership and Birmingham City Council.</p> <p>Scrutiny needs to add value to this debate and thus not duplicate the investigations of other agencies. It is particularly important to agree at an early stage what will be reported to Committee and/or published (and when) for the Committee to have clarity on the role it can play.</p> <p>Members and residents will have an opportunity to have a say through the consultation being commissioned by the Safer Birmingham Partnership. This will be reported to the Committee.</p>

¹⁵⁶ The protocol agreed with the Safer Birmingham Partnership says that:
 "The Committee can make recommendations to the Chair of the Safer Birmingham Partnership as a result of committee briefings and discussion. A formal response will normally be expected within 28 calendar days."



Member / Officer Leads

Lead Member:	Cllr James Hutchings, Chairman, Local Services and Community Safety
Lead Officer:	Benita Wishart / Amanda Simcox (Scrutiny Office)

Time Frame for a formal Scrutiny Review / Overview

Approval from Co-ordinating O&S	The formal process prior to commencing a Scrutiny Review or Overview.	16 July 2010
Meetings and evidence-gathering sessions:	The time planned for evidence sessions / events to be carried out. Include necessary sessions for summarising evidence, drawing conclusions and discussing recommendations.	23 & 25 August / (September)
Drafting the report:	The time to write the draft report and agree it with Members, including verifying evidence and interpretation and checking the feasibility.	September
Consideration of the draft report by the Committee:	Allow for the wider Committee to read and comment upon the draft report, plus time for amendments being made and agreed.	By 22nd September
8-Day rule: Executive Comment:	The formal period in which the Executive is requested to provide comment on the report and its recommendations and also for further amendments.	By 27 September – 8 October
Reporting to the City Council:	The anticipated date that the report is expected to reach a City Council meeting, including deadlines for submitting the report to printers and the send out requirements for papers.	2 November