



Information Commissioner's Office

## **CCTV in pubs –FAQs**

### **What is the law which allows licensing authorities to make CCTV a condition of granting an alcohol licence?**

The Licensing Act 2003 governs the application and granting of licences for premises to sell alcohol. Licensing authorities, in most cases the local authority, have to determine the granting of a licence in line with the “licensing objectives”, which are:

- a) the prevention of crime and disorder;
- b) public safety;
- c) the prevention of public nuisance; and
- d) the protection of children from harm.

### **Does this mean that licensing authorities can set any conditions they choose on a licence?**

No, conditions which are placed on a licence must be consistent with the details contained in the application for a licence, such as the plan of the bar or the times that alcohol might be provided, and must help to meet the licensing objectives. Licensing authorities are also bound, as public bodies, to ensure that they act in accordance with the provisions of the Human Rights Act 1998 and that any processing of CCTV is necessary and proportionate to meet a legitimate aim. In addition, any retention, use or disclosure of personal information caught on CCTV must be carried out in line with the data protection principles.

### **Can the police insist that CCTV is installed as a condition of a licence?**

No, but they are entitled to ask the licensing authority to make CCTV installation a condition of license. However, the licensing authority makes the ultimate decision on which conditions are imposed on determination of the licence.

When determining a licence application, the licensing authority must take into account any “relevant representations” made by “interested parties” (such as local residents or businesses) and “responsible authorities”, such as the Chief Officer of the local police services. While these representations must be taken into account, the licensing authority is not bound by them and is not obliged to place any conditions on the licence that are recommended by local police services. Beyond mandatory conditions in the Licensing Act 2003, the licensing authority may only set further conditions where it considers these are necessary to meet the licensing objectives. CCTV is not one of the mandatory conditions and should only be imposed where this helps to meet one of the licensing objectives. It is important to note that it is the licensing authority, not the police service, which makes the final decision on licence conditions.

### **Are licensing authorities aware of this?**

Yes. Both the Department of Culture Media and Sport and LACORS (The Local Authorities Coordinators of Regulatory Services) have produced guidance for licensing

authorities which makes it clear that CCTV should not be introduced as a matter of course, only where there is a justifiable reason for doing so.

### **What if a licensee wants to challenge a decision to make the installation of CCTV a condition of an alcohol licence?**

Any appeal against a decision by the licensing authority should be taken through the normal licensing appeals process.

### **Does this mean the ICO is opposed to any use of CCTV in licensed premises?**

No. The ICO can see that there is real value in installing CCTV on those licensed premises which have a history of being connected with crime or anti-social behaviour and where this is likely to continue in the future.

### **How does the Data Protection Act 1998 apply to CCTV images?**

The Data Protection Act 1998 (the Act) regulates the holding and processing of personal information that relates to living individuals and which is contained in or related to images captured using CCTV.

### **What responsibilities does the licensee have for images caught on CCTV?**

Under the Data Protection Act 1998, the licensee is the data controller for any CCTV images caught on cameras in their premises which can be used to identify an individual. Licensees must ensure that all CCTV images that can be used to identify an individual are captured on camera, used, stored and disclosed in line with the data protection principles.

It is important that signs are displayed explaining that CCTV is in operation. Other than in exceptional circumstances any sound recording function on the CCTV system should be disabled. Further guidance on these and other matters is available in our [CCTV Code of Practice](#).

Licensees are also required to [notify as a data controller](#) to the ICO and pay an annual fee of £35.00.

### **When can a licensee disclose CCTV images to the police or other third party?**

The Data Protection Act 1998 allows for CCTV images which can be used to identify an individual to be handed over for the prevention or detection of crime, the prosecution or apprehension of offenders or where the disclosure is required by law, for example, where an officer of the licensing authority is checking that CCTV is being used in accordance with the conditions of a particular license.

While many licensing conditions stipulate that licensees should provide CCTV images to the police "on request", the requirements of the Data Protection Act 1998 are such that such disclosure should be necessary for investigating or preventing a crime or apprehending or prosecuting an offender. As such the police must be able to justify their requests for CCTV images to be disclosed to them.