

Code of Practice for Operation of CCTV Enforcement Cameras



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PART 1

1. INTRODUCTION

1.1 Background

- 1.1.1 Since 1999 the London Boroughs and Transport for London have been using CCTV cameras to enforce traffic regulations. The introduction of enforcement of traffic regulations by CCTV cameras is one part of a wide-ranging programme of measures to improve the reliability and punctuality of public transport, reduce congestion and pollution. The aim of most traffic management measures, such as bus lanes and parking regulations is to give priority to certain groups of road users by excluding others during prescribed hours. The introduction of CCTV monitoring of traffic regulations is intended to reduce the level of contraventions and so reduce delays on the highway network.
- 1.1.2 An essential and integral part of any CCTV system is a Code of Practice, which sets out the objectives of the system and the rules by which it will be operated. This Code of Practice ensures that issues such as privacy, integrity and fairness are properly dealt with. It sets a minimum standard, which must be adhered to by all those authorities enforcing traffic regulations using CCTV cameras to ensure public confidence in the scheme.
- 1.1.3 This Code of Practice is designed to operate within a framework of the relevant pieces of legislation and to complement the Statutory and Operational Guidance produced by the Department for Transport. If there are any contradictions between this document and the relevant legislation or guidance documents then those should take precedence. This code of Practice is divided into two parts. This part discusses the use and application of the code and Part 2 sets out the way in which enforcement of traffic regulations using CCTV cameras will be conducted.

1.2 Commitment and Responsibility

- 1.2.1 Medway Council is committed to this code of practice and takes responsibility for its fair, legal and widespread implementation and to its maintenance, review and improvement as appropriate within this Code of Practice.
- 1.2.2 Within this overall framework Medway Council will operate separate monitoring schemes in conjunction with the local Police and other partners.

- 1.2.3 All data shall be processed fairly and lawfully and the operators of the system will ensure that appropriate security measures shall be taken against unauthorised access to, alteration, disclosure or destruction of, personal data and against accidental loss or destruction of personal data.

1.3 Code of Practice

Key Purpose of Code

- 1.3.1 This Code of Practice applies to the use of the CCTV systems for the purposes of enforcing parking and traffic regulations only.
- 1.3.2 This Code of Practice has been drawn up to ensure that the use of CCTV to monitor traffic is consistent and in accordance with current best practice. The Code ensures that issues such as privacy and integrity are properly respected. The use of CCTV in public places must take place in accordance with the advice and guidelines issued by the Home Office, Police Scientific Development Branch, Local Government Association, Office of Data Protection Registrar, the Local Government Information Unit, the CCTV User Group, DFT and VCA.

Availability of the Code to the Public

- 1.3.2 Copies of this Code of Practice are publicly available in accordance with the Local Government (Access to Information) Act 1985. The Code can be inspected at addresses throughout Medway – the most local are given at Appendix 1.

Monitoring and Review of Code

- 1.3.3 The Operation of this Code will be regularly reviewed by Medway Council. An annual report will be presented to the appropriate Cabinet Member or Committee within the Authority. These reports will be made available for public inspection at the address given in Appendix 1.

Changes to Code

- 1.3.4 It is intended that this code will be amended as necessary to ensure that it continues to reflect current best practices.

Detailed Objectives of Code

- 1.3.5 The Code of Practice has been designed to meet the following detailed objectives:-
- To satisfy the community that the camera enforcement system is being operated competently and honestly by its operators
 - To reassure the community over the privacy of private areas and domestic buildings.
 - To ensure that operating staff are aware of and follow the correct procedures in the case of an 'incident'.

- To use cameras as a deterrent and improve driver compliance with traffic regulations.
- To facilitate the detection and prosecution of offenders in relation to non-compliance with existing regulations.
- To assist with achieving the key objectives of other town centre CCTV schemes operated by the local authority.

Queries and Complaints about the Code

- 1.3.6 Queries and complaints about this Code or its general operation should be sent to the address given in Appendix 1.
- 1.3.7 Queries or appeals against any specific Penalty Charge Notice shall be made to the address detailed on the PCN.

2. THE OPERATION OF CCTV ENFORCEMENT CAMERAS

2.1 CCTV Camera Surveillance

- 2.1.1 Closed Circuit Television (CCTV) cameras operated by local authorities in public places are used for a wide variety of purposes including the prevention and detection of crime, protection of public and private property, town centre management, traffic monitoring and the enforcement of traffic regulations. A single CCTV camera may be used for a number of these purposes at different times of the day.
- 2.1.2 The CCTV cameras operated by a local authority may be owned or leased by that authority. The police may also have access to some of the CCTV cameras owned and/or operated by the local authority. Each authority may use the cameras for any of the purposes specified in paragraph 2.1.1.
- 2.1.3 This Code of Practice specifically relates to the use of CCTV cameras when they are being used to enforce traffic regulations. It is supplemented by a procedural manual containing specific instructions on the use of the camera and recording equipment and control room procedures.
- 2.1.4 Mobile, transportable and fixed site cameras may be used within an area for the purposes of the enforcement of traffic regulations. The use of such cameras will be governed by this Code of Practice and any procedures ancillary to it.

2.2 The Legal Framework

Legislation governing the operation of CCTV systems

- 2.2.1 The operation of CCTV systems must be undertaken with due regard to the following legislation:

- The Data Protection Act 1998
- The Human Rights Act 1998
- The Regulation of Investigatory Powers Act 2000
- The Freedom of Information Act 2000

2.2.2 Part 2 of this Code of Practice sets out how CCTV camera enforcement operations will be undertaken to ensure they comply with the requirements of the Data Protection Act 1998.

Legislation governing the enforcement of traffic regulations using CCTV cameras.

2.2.3 The enforcement of traffic regulations by CCTV cameras is regulated under the following legislation:

- The Road Traffic Regulation Act 1984
- The Road Traffic Offenders Act 1986
- The Road Traffic Act 1991
- Traffic Management Act 2004 (part 6)
- The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 – S1 2007 No. 3483.
- The Civil Enforcement of Parking Contraventions (Approved Devices) (England) order 2007 – S1 2007 No, 3486.
- The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.
- The Bus Lane Contraventions (Approved Local Authorities) (England) Order 2005.
- The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005.
- The Tribunals & Enquiries (Bus Lane Adjudicators) (England) 2005
- The Transport Act 2000 (Section 144).

2.2.4 Together these Acts allow a Local Authority to install structures and equipment on or near a highway for the detection of contraventions of the authorities Traffic Regulation Orders, and to use the information provided by them, to serve a Penalty Charge Notice (PCN) on the registered keeper of a vehicle which contravenes the Traffic Regulations.

2.2.5 Relevant Traffic Regulation Orders must be made available on request.

2.2.6 Records of the keepers of vehicles, which contravene traffic regulations, will be obtained in accordance with the Driver and Vehicle Licensing Agency enquiry procedures.

2.3 Enforcement of traffic regulations by CCTV camera

2.3.1 The primary purpose of the CCTV camera enforcement system ('the system') is to ensure the safe and efficient operation of the road network by deterring motorists from breaking road traffic restrictions and detecting

those that do. To do this, the system needs to be well publicised and indicated with lawful traffic signs.

2.3.2 In order to encourage compliance with Traffic Regulations the system enables fully trained staff: -

- to monitor traffic activity in accordance with this Code of Practice, relevant legislation and guidance to deter violation of traffic regulations;
- to identify vehicle registration number, colour and type of unauthorised vehicles contravening traffic regulations;
- to support the serving of Penalty Charge Notices (PCNs) to the registered keeper of vehicles identified contravening the regulations;
- to record evidence of each contravention to ensure that representations and appeals can be fully answered;
- to enable timed and dated pictorial evidence of such unauthorised driving or stopping to be produced for adjudication or as information to the owner of such vehicles;
- to enable the despatch of a Civil Enforcement Officer for targeted enforcement of vehicles contravening traffic regulations.

2.3.3 The system is intended to view activity on public carriageways and footways. It will not be used to invade the privacy of any persons in domestic, business or other private premises, buildings or land.

Extension and Changes to the Areas Surveyed

2.3.4 The system may be used to survey any area of highway, on which there are parking and traffic restrictions. The local authority may extend or change the areas covered by the CCTV system subject to normal internal procedures.

Signs

2.3.5 Relevant camera enforcement signs should be displayed in areas where the system operates. The signs will not define the field of view of the cameras but will advise that CCTV camera enforcement is taking place in the area.

Description of Systems and Equipment

2.3.6 This section gives a general description of systems and their uses, it is not exhaustive in nature, nor does it supersede or replace any legislative requirements.

- 2.3.7 Visible CCTV cameras may be securely fixed on rigid mountings at various locations or located in a mobile enforcement vehicle from which they can survey selected areas of application. The cameras may belong to the operating borough or to the Transport service. All cameras conform, as a minimum, to standards of performance laid down by the Secretary of State for Transport. Some cameras rotate through 360° and have zoom, pan and tilt capability.

For the avoidance of doubt, the cameras may be;

- 'Static' - permanently sited at a particular location.
- 'Mobile' - can be moved from one location to another, this could include vehicle mounted cameras.
- Of 'Analogue' or 'digital' image format.
- Hard-wired, networked or wireless networked.

- 2.3.7 Medway's CCTV enforcement systems fall into two generic types, Attended and Unattended Systems. These systems are currently used across two enforcement streams, for Parking and Bus Lanes.

Attended Systems

- Are operated in real time by a camera operator who views contraventions from roadside equipment contained within Medway's Approved Device mobile enforcement vehicles. PCNs are issued primarily on the basis of the operator's observations and supported by the image recordings. The recorded images must be reviewed by a Civil Enforcement review officer who will establish that a contravention has occurred before a PCN can be issued.

Unattended Systems

- Are automated CCTV systems that operate without operator intervention. The camera records contraventions from which PCNs are issued on the basis of the recorded images. The recorded images must be reviewed by a Civil Enforcement review officer who will establish that a contravention has occurred before a PCN is issued.

Parking Enforcement

- 2.3.8 Equipment that can be used for the enforcement of parking contraventions via CCTV is regulated by the Traffic Management Act 2004 and associated legislation. The 2004 act provides a system approval scheme for CCTV systems used for Parking Enforcement known as 'Approved Device Certification'. From 31 March 2009 all systems used for the enforcement of parking contraventions must be certified by the Department for Transport (or its appointed agents) under this scheme. The scheme specifies how changes in the system must be carried out and recorded.

Bus Lanes

- 2.3.9 Bus Lane Enforcement is being performed under the Transport Act 2000 and required an Approved Device certificate. Approval is similar to that for parking enforcement except that the system must additionally comply with the Bus Lane (Approved Devices) (England) Order 2005. Two PCNs may be issued within a 24 hour period for code 34j – Being in a Bus Lane, should the second offence be captured 30 minutes or more after the first.

2.4 Operation of the Mobile CCTV vehicle System

Monitoring of Traffic

- 2.4.1 The system will be operated for the purposes of enforcing traffic regulations. This Code of Practice applies to the use of the system for that purpose only.
- 2.4.2 Only properly trained and qualified operators (see section 2.9 - Operating Personnel) will operate the system. Enforcement officers must have due regard to issues such as privacy, integrity and fairness when operating the system and observing any vehicles.
- 2.4.3 A contravention of traffic regulations will be identified depending on whether the system is attended or unattended.
- 2.4.4 Both static (unattended) and mobile (attended) cameras may be connected to a monitoring station by a secure data link. If a dedicated 'fixed' data link is not used, sufficient precautions must be taken to ensure the security of the data being transferred.
- 2.4.5 The monitoring station allows the operator to select and view the output from the CCTV cameras in the system at any time and provides controls to pan, tilt and zoom that camera as necessary.
- 2.4.6 Concurrent twin recordings are to be made of the camera output viewed by the operator. Recordings are to be made only on suitable data storage media at a sufficient frame rate, not less than 5 frames per second. For clarity this includes, but is not limited to, VHS tapes, DVD or digital HDD (hard disk drive) data storage. Each frame is timed (hours, minutes and seconds), dated and sequentially numbered automatically by the monitoring and recording equipment, which shall include a visual counter which resets to zero when the system is initially activated and increments by the selected frame rate every second.

One copy of the recording is designated as the 'working copy' recording and the other as the 'evidence' copy. If there is no physical 'tape' or 'disk' being held as the evidence video the system must ensure that one of the

two copies of the recording is held securely, in an unalterable state or storage medium.

- 2.4.7 A contravention of traffic regulations from attended systems will be identified, by monitoring the screen and operating the cameras in real time. The operator must obtain the most effective images of a vehicle and its surrounding circumstances at the time when any contravention may be occurring. Contraventions must be identified at the time when they are committed. Pre-recorded images will not be studied to identify contraventions committed at some earlier time.
- 2.4.8 A contravention of traffic regulations from an unattended system will be identified automatically and stored for later processing. Such images must be verified by operators prior to notices being issued. Medway currently utilises the Zengrab Lanewatch automatic bus lane enforcement system (unattended system only).
- 2.4.9 When a non-traffic 'incident' is caught on camera operators will follow procedures agreed locally with the Police and other scheme partners. All such incidents are to be recorded on the Log Sheet. An example of this document, which can also be used to record equipment faults, is included in Appendix 2.
- 2.4.10 The cameras used for the enforcement of traffic regulations may be used for more general street surveillance when traffic restrictions are not in operation by the Police or by CCTV systems operated by other Departments of the local authority.
- 2.4.11 When a contravention is observed using an attended system and sufficient evidence has been recorded, the operator will record the time in hours (HH) and minutes (MM) and sufficient vehicle identifier information on the log sheet or by utilising approved audio equipment (see 2.3.13). The operator will then continue monitoring. An example of the layout for a Camera Enforcement logbook is included in Appendix 3.
- 2.4.12 At the end of the monitoring period the operator will record the exact time and final incremental number and:
- Remove the evidence flashcard and USB
 - Secure the media into separate evidence bags with enforcement log sheets and seal.
 - Securely lock the evidence in secure storage ready for review.

Issue of Penalty Charge Notices (PCNs)

- 2.4.13 The operator will use the contemporaneous record, or tags on the digital record, to identify the sections of the working video recording, which contain possible contraventions.
- 2.4.14 Each contravention will be reviewed on the working DVD to decide whether it is clear and indisputable. Appropriate details of the vehicle and

circumstances involved in clear contraventions are recorded, registered keepers details obtained and a PCN is then sent to the registered keeper.

2.4.15 Attempts should be made to issue the PCN within 14 days of the contravention and should be sent by first class post. The PCN is deemed to have been served on the second working day after posting unless the contrary is proved.

2.4.16 Reasons for not serving the PCN within 14 days should be restricted to those that are outside the control of the authority, for example where details from the DVLA have not been received in time.

2.4.17 In any case, PCNs must be served within 28 days of the date of contravention unless keeper details have not been received from the DVLA.

Representations

2.4.18 Formal representations specifically concerned with the issue of any Penalty Charge Notice (including Bus Lane Contraventions) can be made once a PCN has been issued to the keeper of the vehicle.

2.4.19 In all cases, the enforcing authority must consider the representations and if it does not accept them, issues a Notice of Rejection. If the keeper is not satisfied by this outcome, there is a right of further appeal to the independent Adjudicators at the Traffic Penalty Tribunal Adjudicator Service (see section 2.6 – Guidelines for Appeals).

2.5 Retention and use of evidence

Operator evidence

2.5.1 The operator's observation of a contravention is the primary evidence of that contravention, of which the footage captured is the physical copy of the operator's view of the contravention as it occurred. The issued Penalty Charge Notice is the enforcing authority's declaration that a clear and indisputable contravention has been observed. All records made during a monitoring period are retained in secure storage.

Recorded Evidence

2.5.2 Recorded evidence is retained to support the primary evidence supplied by the operator. All observations are concurrently recorded on twin recordings.

If a DVD or CD-R is being used for the 'Evidence Video'

2.5.3 The evidence DVD will only be removed from secure storage if;

- It is required for adjudication evidence

- It is no longer required for evidential purposes.
- 2.5.4 An audit log will be kept to track the movement of all evidential media. A record commences at the point the monitoring begins and ends when the media is released from secure storage to be degaussed/ deleted/ destroyed.
- 2.5.5 An evidence DVD is released for reuse when all contraventions recorded on it have been fully and finally settled.

Use and Storage of the Working video / DVD

- 2.5.6 At the end of each recording period the working recording is used to review the potential contraventions identified by the operator. Thereafter the recording is placed in secure storage. The working recording will only be removed from storage for the following purposes;
- To generate still images or on screen prints or photographs;
 - For viewing by authorised processing staff when considering representations and appeals;
 - For viewing under strictly controlled conditions as defined in paragraph 2.5.15;
 - For copying or release to third parties under the circumstances defined in paragraph 2.5.10
 - For monitoring purposes to obtain statistics on the performance of the scheme.
 - For the purpose of additional monitoring.
- 2.5.7 A complete recording is to kept of the movement and viewing of every working video recording. This begins when the disc is placed in the recorder prior to a monitoring period, covers all uses and ends when it is released from secure storage and magnetically erased prior to reuse or destruction. In the case of digital storage medium it begins from the time the operator logs-on to the system at the start of the monitoring period and ends when the video recording is deleted.
- 2.5.8 A 'working' recording is released for reuse, or destruction, when all contraventions recorded on it have been fully processed. In the case of digital images these should be securely deleted once they are no longer required.

Ownership, copying and release of recordings

- 2.5.9 All recordings are the property of the Authority operating the scheme and may not be copied or released from the secure Archive server without the formal written agreement of the Senior Officer nominated in Appendix 1. A copy of the footage relevant to a particular contravention will only be released: -
- To the Traffic Penalty Tribunal (and copied to the appellant)

- To the Police
- To Lawyers acting for appellants
- To Lawyers acting for defendants/victims in connection with criminal proceedings
- To a third party prosecuting authority, such as Customs & Excise or the Health & Safety Executive.
- By court order, in connection with civil proceedings

2.5.10 Recordings (or copies of a section of a recording) will only be released over signature to representatives of the above organisations after proof of identity. Recordings (and copies of recordings), which are released, remain the property of the Local Authority. Any recording released to the Police will be dealt with by the Police as an exhibit and shall not be used for anything other than the purpose specified and identified when released to the Police. A detailed record must be kept of the recording (or section of it) that has been released and the reason for its release.

2.5.11 The Local Authority will provide the Police with a statement confirming the integrity of the recording, if required for evidential purposes.

2.5.12 Under no circumstances will recordings be released to members of the public, except as per section 2.5.15 below, or to media or other commercial organisations.

2.5.13 Recorded material will only be used for the purposes defined in this Code of Practice and will only be accessed as defined in this Code of Practice. In no circumstances will recorded material (or any copies or still prints generated from it) be sold or lent for any purpose other than those set out above. Copyright of all recorded material and stills printed from such material remain totally with the operating Authority.

Viewing of DVDs or Evidential Data Files

2.5.14 A person who has received a PCN or the keeper of the vehicle is entitled to view that section of the recording showing the contravention for which the PCN was issued. Viewing of DVDs, or other recording medium, will only be arranged following formal agreement of the Senior Officer nominated in Appendix 1. Viewing of the evidence should be arranged as soon as possible after a request has been made by the person in receipt of the PCN. The viewing area should not only be secure, but it should be designed and laid out so that only those in the viewing room can see the images. A still image may be supplied at no charge, as an alternative, in a situation where it is not possible to arrange a viewing of evidence.

2.5.15 Viewing of recordings will only be permitted in the following circumstances:

- to support the issue of a PCN.
- as an alternative to releasing a recording to one of the parties nominated in paragraph 2.5.5 above.

- as part of internal audit, review or disciplinary procedures
- as part of the training process for staff.

2.5.16 Viewing will only take place in a secure viewing area. It will be supervised by local authority staff. Only the 'working' recording will be viewed. Evidential recordings will not be viewed.

2.5.17 The person supervising the viewing full details of the event in the log book including: -

- Time, date and location of viewing.
- The serial numbers of all discs viewed, the sections of those discs which were viewed (using the frame numbers) if applicable.
- The reasons for viewing each DVD.
- Details of the people present at the viewing.

2.5.18 In the case of digital storage media it is sufficient for the system to log, with the video image;

- Time, date and location of viewing.
- The reason for viewing.
- Details of the people present at the viewing.

2.5.19 These records should be subject to regular audit, at least once a year, by officers specified in Appendix 1.

Still Images

2.5.20 A still image may be supplied to a person who has received a PCN to support that PCN. A copy of the still image may be supplied at the same time that the PCN is issued. A still image may be supplied as an alternative to viewing evidential footage, following formal agreement of the Senior Officer named in Appendix 1. No charge is to be made for supplying the image. The image then becomes the property of the person who received the PCN. All other still images will remain the property of the operating Authority.

2.5.21 A still image is a print onto paper of the picture held on a single field or frame of the contravention capture recording. The prescribed equipment will be used to generate these still images and each image produced will contain its unique frame number and the time (HH MM SS) and date (DD MM YY – or similar format) of the occurrence.

2.5.22 Still images will only be generated at the discretion of the Senior Officer named in Appendix 1 and only for the following purposes;

- to support the issue of a PCN;
- as evidence for an Appeal;

- or if the Police, or other organisation approved by the operating Authority, request such an image with detailed written reasons for their request.

2.5.23 Each still image will be given a unique serial number and will be logged and accounted for at all times. Still images will only leave the Control Room when requested by the recipient of the relevant PCN or signed out as evidence in the possession of the Police or other organisation listed in paragraph 2.5.5.

2.5.24 Still images may not be copied or released from the Control Room without the formal written agreement of the Senior Officer nominated in Appendix 1.

2.5.25 Still images, which are no longer required, are to be destroyed in the Control Room and the destruction of each image will be recorded in the Control Room records.

2.5.26 The procedure for production, release and destruction of still images will be subject to regular audit.

2.6. Guidelines for Appeals

The Appeal Form

2.6.1 An appeal form, as supplied by the Traffic Penalty Tribunal must be enclosed with every Notice of Rejection of Representations issued by an enforcing authority.

2.6.2 The official use box must be completed by an authorised official of the enforcing authority. This must state the PCN No, the Vehicle Registration Number, the name of the keeper to whom the Notice of Rejection was sent and the date the Notice of Rejection was sent. This information must be completed for an appeal to be registered and enables the appeal service to check that the right person is lodging an appeal and that it has been submitted in time.

2.6.3 Evidence should be submitted to the tribunal before the due date as depicted on the appeal notification letter and a copy of the evidence must be sent to the appellant.

Evidence

2.6.4 The following items will be required as mandatory evidence by the Adjudicators:

- a) Authorised Officer Witness Statement - A declaration that at the time the contravention was observed the monitoring and recording equipment used was of a type approved by the Secretary of State and was in full working order at the time. An example of

Authorised Officer Witness Statements that should be used for parking contraventions are included in Appendix 4. The Authorised Officer statement also includes details of the evidence that is being produced (e.g. stills from the original recording) and confirmation that these were produced in accordance with the Code of Practice. In order for the Authorised Officer to sign the declaration reference should be made to the Control Room Log Sheet to determine the status of the equipment at the time at which the contravention was witnessed. An example of a Control Room Log Sheet is included in Appendix 2.

- b) Copy of the Penalty Charge Notice
- c) A case summary - This should include the relevant part of the regulation allegedly contravened and deal with any exemption claimed by the appellant.
- d) Copy of the Enforcement Notice (where applicable)
- e) Copies of any representations made and all correspondence
- f) Copy of the Notice of Rejection
- g) Colour Images of the Offence - The image must show the context of the contravention and the identification of the target vehicle. All pictures must display the location, date and time of the offence. The Adjudicators may expect a copy of the evidence. If the Council decide to produce evidence to the Adjudicators, they must also supply the appellant with a copy. The evidence for the Adjudicators must be in a type approved by the Head of the Adjudicators Office. Even if the appellant has already viewed the Council's recorded evidence of the contravention, the Adjudicator would expect to see photographs in evidence. A copy of the photographs would therefore have to be served on the appellant. A digital photograph would be acceptable, providing that the accompanying statement explains that it is a digital photograph, taken by an approved device, a true copy, not enhanced etc.
- h) Certificate of Service - The evidence submitted to the Adjudicators must be accompanied by a certificate confirming that the appellant has been sent copies of the evidence submitted to the Adjudicator not less than 7 days before the hearing. Adjudicators have also indicated that this requirement is in line with the requirements of Article 6 of the Human Rights Act 1998. The evidence copied to the appellant must be in the same format as that submitted to the adjudicator

2.6.4 The list above is not exhaustive. As in any case before the Traffic Adjudicators, the Adjudicator may ask for other forms of evidence not mentioned above. The Councils will be given at least 21 days notice to

submit evidence for appeals. The evidence must be with the Traffic Penalty Tribunal service 7 days before the hearing date.

Adjournments

- 2.6.5 The Adjudicators have indicated that they will usually allow one 14 days adjournment of a postal case. They have therefore delegated authority to the Proper Officer's staff to deal with such requests, which should be sent in writing to the Traffic Penalty Tribunal. Applications for adjournments for longer periods for postal cases or for personal cases must be made in writing with reasons to the Adjudicator.

2.7 Security of Operations

- 2.7.1 The CCTV traffic monitoring, recording and storage operations will be carried out in a secure and lockable vehicle or environment.
- 2.7.2 All monitoring, recording and control equipment will be located in this vehicle or reviewing control room. All compact flash cards, USB sticks, witness statements and other records will be stored in secure and locked cabinets within this room or other secure environment. The Evidential copies of data and the Working Session Copies will be kept in a secure environment.
- 2.7.3 Visitors may only access the Control Room when authorised by the Senior Officer named in Appendix 1.
- 2.7.4 A logbook will be maintained in the Control Room in which details of all events and visits will be entered.
- 2.7.5 If the Control Room is left unattended for any time or for any interval, no matter how short, the disc and record storage cabinets and the recording equipment and its controls must be securely locked and inaccessible to any unauthorised person. Any alternative secure storage room must be subject to the same conditions of attendance.
- 2.7.6 Technical, maintenance and repair work will only be carried out under the supervision of a responsible officer of the Borough.

2.8 Procedures Manual

- 2.8.1 A Control Room Procedures Manual listing duties, responsibilities and procedures to be followed will be available in the Control Room at all times. Access to that manual shall be restricted to officers who have responsibility for operating the system. The manual will be regularly updated to reflect current agreed practice.

2.9 Operating Personnel

Responsibilities

- 2.9.1 Management responsibility for the operation of the system and observance of this Code of Practice resides with the Officers listed in Appendix 1.
- 2.9.2 All staff operating the system will be responsible for working in full accord with this Code of Practice and the Control Room Procedures Manual. They will be subject to their employer's normal disciplinary procedures and will sign an acknowledgement that they have been trained in and understand the Code of Practice and the Procedures Manual. Breaches of this Code of Practice or of the Procedures will result in disciplinary action.

Selection and Training

- 2.9.3 All personnel permitted to operate the System will be selected in accordance with the Employer's Standard Recruitment Procedures for personnel who are obliged to work to rules of confidentiality.
- 2.9.4 They will be fully instructed in their responsibilities and role in operating CCTV.
- 2.9.5 All staff undertaking enforcement of traffic regulations using CCTV cameras must have successfully completed an approved training course. A list of the courses that have been approved for this purpose is contained in Appendix 6.
- 2.9.6 Training will include: -
- all aspects of this Code of Practice
 - all aspects of Control Room Procedures
 - all aspects of equipment operation
 - system audit procedures
 - issue of PCNs
 - knowledge of the areas of application in the Borough
 - the necessary underpinning knowledge of Traffic Law
 - Health & Safety
- 2.9.7 Full records of training and of assessments of competence will be kept according to the Employer's Standard procedures.
- 2.9.8 Operators will only be permitted to operate the system unsupervised when they have proved their competence according to the Employer's Standard Procedures.

Appendix 1

Particulars of Operating Authorities

Authority responsible for the Scheme - Medway Council

Local Addresses at which the Code of Practice can be inspected:-

Annex B, Civic Centre, Strood, Rochester, Kent, ME2 4AU.

Addresses at which the Annual reports on the scheme may be inspected:-

Annex B, Civic Centre, Strood, Rochester, Kent, ME2 4AU.

Address to which queries and Complaints about the scheme should be Sent:-

Customer Services, Medway Council, Gun Wharf, Dock Road, Chatham, ME4 4TU

Senior Officer who can authorise copying and release of capture files

Andy McGrath - Assistant Director

Senior Officer who can authorise access to Control Room

Rubena Hafizi – Parking Manager

Overall responsibility for day-to-day operations

Rubena Hafizi – Parking Manager

Responsibility for Training

Rubena Hafizi – Parking Manager

Appendix 2

Example CCTV Control Room Log Sheet

Date : _____

NB:.... This log sheet forms part of the evidential collecting process of recorded parking contraventions it is therefore essential that the authorised officer sign this form below.

| Name of Camera Operator | Camera Number | Camera Location | Start Time | Finish Time | Finish Time Comments / Equipment Faults |
|-------------------------|---------------|-----------------|------------|-------------|---|
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Name of Supervisor.....Signature of Supervisor

Appendix 3

Medway Council CCTV Vehicle Enforcement Log - Bus Lanes

CCTV Car Reg.....

Date Camera Operator..... Sheet No.....

NB: This log sheet forms part of the evidential collecting process of recorded parking contraventions it is therefore essential that this form be signed above by the authorised enforcing officer.

| Time | Location | VRM | Make | Colour | Cont | Additional Information |
|-------------|-----------------|------------|-------------|---------------|-------------|-------------------------------|
| | | | | | 34J | |
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Appendix 3

Medway Council

CCTV Vehicle Enforcement Log

CCTV Vehicle Reg.....

Date Camera Operator..... Signature..... Sheet No.....

NB: This log sheet forms part of the evidential collecting process of recorded parking contraventions it is therefore essential that this form be signed above by the authorised enforcing officer.

| Time | Location | VRM | Make | Colour | Cont | Additional Information |
|-------------|-----------------|------------|-------------|---------------|-------------|-------------------------------|
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Appendix 4

Authorised Officer Witness Statement (Parking Contraventions)

[Appellant] v [Council]
Traffic Penalty Tribunal Case No:
PCN No:

I, [Name] am an authorised officer of [X] Council.

This statement is true to the best of my knowledge and belief. I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything that I know to be false or do not believe to be true.

I produce in evidence in the above case [details of evidence being produced e.g. stills from DVD]. I certify that these were produced [describe circumstances in which they were produced: e.g. stills from a DVD recording made by a CCTV camera located at wherever on such a date.]

I further certify:

1. that this/these was/were produced in accordance with the Code of Practice for the Operation of CCTV Enforcement Cameras;
2. that the monitoring and recording equipment used at the location and time specified is a certified device approved by the Secretary of State under (part 6) of the Traffic Management Act; The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 – S1 2007 No. 3483, The Civil Enforcement of Parking Contraventions (Approved Devices) (England) order 2007 – S1 2007 No, 3486 and Transport Act 2000 for Bus Lanes.
3. that, to the best of my knowledge and belief, all conditions subject to which approval was given were satisfied.

[Describe what the evidence shows]

Signed.....

Name..... Position.....

Appendix 5

Authorised Officer Witness Statement (Bus Lane Contraventions)

Appellant v Medway Council
Traffic Penalty Tribunal Case No: MW
PCN No: MW

Iam an authorised officer of Medway Council.

This statement is true to the best of my knowledge and belief. I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything that I know to be false or do not believe to be true.

I produce in evidence in the above case **[details of evidence being produced]**. I certify that these were produced **[circumstances in which they were produced]**: e.g stills from a media recording made by a CCTV camera located at **[location]** on **[date]**.

I further certify:

1. that this/these was/were produced in accordance with the Code of Practice for the Operation of CCTV Enforcement Cameras;
2. that the image was recorded using an approved device as set out in 'The Bus Lanes (Approved Devices) (England) Order 2005' and 'Provisional guidance on bus lane (including tramway) enforcement in England outside London published November 2005 by the Department for Transport.
3. that, to the best of my knowledge and belief, all conditions subject to which approval was given were satisfied.

[Describe what the evidence shows]

Signed.....

Name..... Position.....

Date:

Appendix 6

Glossary of Terms

The Code of Practice refers to the following terms:

| | |
|----------------------|--|
| Agency | An Agency is an organisation responsible for implementing a CCTV Camera Scheme and or CCTV Camera System. Each Agency can be responsible for one or more CCTV Camera Schemes and one or more Camera Systems. Agencies may enter into partnership to implement a CCTV Camera Scheme and or CCTV Camera System. Agencies, whether acting alone or in partnership, are responsible for ensuring that all CCTV Camera Users of their CCTV Camera Schemes and CCTV Camera Systems comply with the Data Protection Act (1998). |
| CCTV Camera | A Closed Circuit Television (CCTV) Camera is a method of capturing CCTV Camera Images. |
| CCTV Camera Image | A CCTV Camera Image is data represented in a visual form that may constitute Personal Data. A CCTV Camera Scheme is a prescribed method of processing CCTV Camera Images for an agreed purpose. A CCTV Camera Scheme can have one or many CCTV Scheme Operators and can use more than one CCTV Camera System. |
| CCTV Camera System | A CCTV Camera System is the infrastructure that is used to implement a CCTV Camera Scheme. One CCTV Camera System can be used by more than one CCTV Camera Scheme. |
| CCTV Camera User | A CCTV Camera User is a person who gathers CCTV Camera Images for the purpose of their contractual employment. Each CCTV Camera User is responsible for complying with the Data Protection Act (1998). A CCTV Camera User may work with more than one CCTV Camera Scheme. |
| CCTV Scheme Operator | A CCTV Scheme Operator is one or more CCTV Camera Users who are responsible for implementing a specified CCTV Camera Scheme on behalf of an Agency. Each CCTV Scheme Operator is responsible for ensuring that all CCTV Camera Users of the specified CCTV Camera Scheme comply with the Data Protection Act (1998). A CCTV Scheme Operator can be responsible for one or many specified CCTV Camera Schemes. |
| Data Controller | A Person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed. The Camera Schemes covered by this Code of Practice may have single, joint or in common Data Controllers depending on the agreement each Agency has and the use of the CCTV Camera Images involved. For the purposes of this Code of Practice, the Data Controller is defined as the Agency who is |

actually using the CCTV Camera Image at any given time to gather or record data which in turn will actually be deemed to be Personal Data. The Data Controller may differ from the CCTV Scheme Operator. At any given time there may be none or several Data Controllers.

| | |
|---|--|
| Data Processor | Used in relation to Personal Data and means any person (other than the employee of the Data Controller) who processes the data on behalf of the Data Controller. |
| Personal Data | Data which relates to a living individual who can be identified: (a) from those data, or (b) from those data and other information which is in the possession of, or likely to come into the possession of, the Data Controller, and included any expression of opinion about the individual and indication of the intentions of the Data Controller or any other person in respect of the individual. |
| Searching / Hunting | The process of using a CCTV Camera without due cause. The CCTV User may be either looking for something to view or capturing a CCTV Image for personal use. CCTV Camera Users must not use CCTV Cameras for the purpose of Searching / Hunting. |
| DVD Compact flash card, USB Stick | The visual portion of a transmission, the system of recording, reproducing, or broadcasting moving visual images. |

Appendix 7

TEC approved training courses for CCTV operators

| Course title | Training providers | Date of Approval |
|--|--|------------------|
| BTEC Level 2 Intermediate Award in CCTV Camera Enforcement | London Borough of Croydon, London Borough of Camden | December 2003 |
| CCTV Traffic Enforcement BTEC Unit (Anyone taking this training course will have to have already successfully completed TAVCOM's CRO1 and CRO2 modules which provide them with control room operators training.) | TAVCOM | August 2004 |
| VINCI Park CCTV Enforcement Training Programme | VINCI Park | January 2006 |

Appendix 8

Enforcement Code of Practice for CCTV Enforcement of Bus Lanes

Section 144 of the Transport Act 2000 provides the necessary powers to enable the Secretary of State by regulation to make provision for the imposition of penalty charges in respect of bus lane contraventions. Medway Council decided to impose a penalty charge of £60 under these powers.

Penalty Charge Notices are issued under the Road Traffic Regulation Act 1984 and S. 144(5) Transport Act 2000.

There is only one type of bus lane PCN that can be issued under the Transport Act 2000: A bus lane PCN sent by post on the basis of a photograph taken by an approved device camera by a council that operates civil enforcement of bus-lane regulations on the basis of the Transport Act 2000.

A bus lane contravention begins when a vehicle either enters a bus lane only route during prescribed times or where a bus lane runs alongside a lane of regular traffic and where a vehicle crosses the solid white dividing line between the bus lane and the remainder of the carriageway during the time of operation.

Bus Lane Markings

These are indicated by white lettering showing the words 'Bus Lane' or 'Buses Only'. A **Code 34j** PCN – being in a bus lane will be issued.

Location:

Permitted Vehicles:

The Brook, Chatham

Local buses, taxis and cycles

High St, Chatham

Local buses, taxis and cycles

Waterfront Way, Chatham

Local buses, taxis and cycles, vehicles requiring access to off street premises and any vehicle exceeding 15'6" high

Globe Lane, Chatham
(North Eastern Arm)

Local buses and taxis

Globe Lane, Chatham
(South Eastern Arm)

Local buses and taxis

Exemptions to the Medway Council (Chatham Town Centre) (Bus Priority) Order 2011

- To enable a person to get on or off the vehicle where permissible.
- To enable goods to be loaded onto or unloaded from the vehicle.

- A vehicle may cross a bus lane to get to or from any road adjacent to the bus lane or any vehicular access to premises adjacent to the bus lane.
- A vehicle being used in the service of a local authority for the purpose of collecting refuse.
- Universal postal services bearing the livery of a provider of an universal postal service.
- A vehicle in connection with the removal of any obstruction to traffic.
- A vehicle in connection with the maintenance, improvement, or reconstruction of any road.
- A vehicle in connection with the maintenance, improvement or construction of any street furniture including bus stop infrastructure.
- Vehicles in connections with any building operation or demolition.
- To avoid an accident.
- To allow a person to get or give help in consequence of an accident or emergency or otherwise take action for public safety.
- To such an extent and for such a time as is needed to comply with any requirement resulting from works or an emergency in any part of the road adjoining the bus lane or bus only route.
- If the vehicle is being used for ambulance, fire brigade or police purposes.