



**Code of Practice**  
**for**  
**Operation of CCTV**  
**Approved Device Vehicle for**  
**Parking Contraventions**  
**in the Borough of Poole**

## CONTENTS

### **1 INTRODUCTION**

- 1.1 Background
- 1.2 Commitment and Responsibility
- 1.3 Code of Practice

### **2 THE OPERATION OF A CCTV APPROVED DEVICE VEHICLE**

- 2.1 The Legal Framework
- 2.2 Civil Parking Enforcement using a CCTV Approved Device
- 2.3 Systems, Equipment and Enforcement
- 2.4 Issuing of a Penalty Charge Notices (PCNs)
- 2.5 Recordings and Still Images
- 2.6 Security of Operations
- 2.7 Procedures Manual
- 2.8 Operating Personnel

### **APPENDICES**

- 1. Particulars of Operating Authority
- 2. Example of CCTV Incident Review Facility Signing In Sheet
- 3. Equality Impact Assessment
- 4. Glossary of Terms

# **1 INTRODUCTION**

## **1.1 Background**

1.1.1 In Poole, there are over 35 schools which require patrolling at least once a month. There are 24 CEOs covering the whole of the borough. As a result it has proved impractical to effectively deal with parking issues outside schools because of the considerable amount of resources required, and responses invariably fail to meet expectations. Some motorists still persist in stopping on the school zig-zag markings with self-evident safety risks. There have been instances of near misses with pedestrians and the council is keen to be more proactive in this area.

1.1.2 Unauthorised parking is also a problem in the following areas :

- bus stops which consistently affect local bus operators, impacting on punctuality, convenience of bus passengers (particularly those with mobility problems who are not able to access the low floor bus directly using the raised kerbs) and indeed safety.
- loading bans, particularly by blue badge holders and delivery vehicles.

1.1.3 Any and all use of the Council's ANPR vehicle will conform to the council's CCTV Code of Practice and the edict that it will only be used in locations where enforcement is difficult or sensitive and CEO enforcement is not practical. The ANPR system will not be used to invade the privacy of any persons in domestic, business or other private premises, buildings or land.

1.1.4 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 councils enforcing traffic regulations using CCTV cameras to ensure public confidence in the scheme.

1.1.5 This Code of Practice is designed to operate within the framework of the relevant legislation and to complement the Statutory and Operational Guidance produced by the department for Transport. This Code of Practice is also designed to support and become an integral part of the Council's corporate CCTV Code of Practice.

## **1.2 Commitment and Responsibility**

1.2.1 This Code of Practice will be incorporated within the existing Council's Corporate CCTV Code of Practice for Closed Circuit Television System operations operated by Housing and Community Services. This commits to, and takes responsibility for, its fair, legal and widespread implementation and its maintenance, review and improvement as appropriate.

1.2.2 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 regulations only.
- 1.3.2 This Code of Practice has been drawn up to ensure that the use of CCTV to enforce parking regulations is in accordance with current best practice. The Code ensures that issues such as privacy and integrity are properly respected.

### **Availability of the Code to the Public**

- 1.3.3 Copies of this Code of Practice are publicly available in accordance with the Local Government (Access to Information) Act 1985. The Code of Practice will be available on the internet at [Boroughofpoole.com](http://Boroughofpoole.com) and can also be inspected at St John's House, Serpentine Road, Poole.

### **Monitoring and Review of Code**

- 1.3.4 The operation of this Code will be regularly reviewed by authorised officers operating CCTV monitoring. Authorities are required to report on CCTV operations as part of the annual report produced under the Traffic Management Act 2004. These reports will be made available on the Council's web site.

### **Changes to Code**

- 1.3.5 It is intended that this Code will be amended as necessary to ensure that it continues to reflect current best practices. Changes to the Code will be classified as minor and major.
- 1.3.6 Minor changes are those that only affect the operation of the scheme locally and may only be made after the agreement of senior representatives of all parties concerned in the operation of the local scheme. Examples of minor changes are amending nominated officers or areas of application.
- 1.3.7 Major changes usually involve a change in overall policy and will require Council approval. It may also be appropriate to undertake an associated Equality Impact Assessment.

### **Detailed Objectives of Code**

- 1.3.8 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.

## **Queries and Complaints about Code**

- 1.3.9 Queries or complaints about this Code or its general operation should be sent to the address given in Appendix 1, Paragraph 4.
- 1.3.10 Queries or appeals against any specific Penalty Charge Notice (PCN) shall be made to the address shown on that PCN.

## **2. THE OPERATION OF A CCTV APPROVED DEVICE VEHICLE**

### **2.1 The Legal Framework**

#### **Legislation governing the operation of CCTV systems**

- 2.1.1 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

#### **Legislation governing the enforcement of parking contraventions using mobile CCTV cameras**

- 2.1.2 The enforcement of traffic regulations by CCTV cameras is regulated under the following legislation:
- Traffic Management Act 2004
  - The Civil Enforcement of Parking Contraventions (England) General Regulations 2007
  - The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007
  - The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007
- 2.1.3 Together these Acts allow Local Authority to use a DfT CCTV approved device to obtain the information provided by them, to serve a Penalty Charge Notice (PCN) on the registered keeper of a vehicle which contravenes the Traffic Regulations.
- 2.1.4 Records of the keepers of vehicles that contravene traffic regulations will be obtained in accordance with the Driver and Vehicle Licensing Agency enquiry procedures.

### **2.2 Civil Parking Enforcement using CCTV Approved Device**

- 2.2.1 The Councils operational procedures will ensure that the Council's Automatic Number Plate Recognition (ANPR) camera car is operated strictly in accordance with the provisions of the Traffic Management Act 2004, Certification of "Approved Devices" Under Article 2 of The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007 and in accordance with the Department for Transport operational guidance for civil parking enforcement as this relates to parking and traffic enforcement using approved devices.

2.2.2 The Council's strategy for the use of ANPR in Poole is currently limited to unattended mode enforcement at:

- school zig-zags
- taxi bays
- bus stops clearways
- loading bans.

### **Extensions and changes to the area surveyed**

2.2.3 The local authority can extend or change the areas covered by the CCTV system subject to normal internal procedures.

### **Signs**

2.2.4 Clear and relevant camera enforcement signs will be displayed on the vehicle to advise motorists that mobile CCTV camera enforcement is taking place in the area.

## **2.3 Systems, Equipment and Enforcement**

2.3.1 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.

2.3.2 CCTV enforcement systems fall into two generic types:

- Attended Systems
- Unattended Systems

2.3.3 For this CCTV Code of practice the mobile CCTV camera car is operated in Unattended mode and used currently to enforce parking contraventions only, as listed in 2.2.2

### **Unattended System**

2.3.4 Unattended systems are automated CCTV systems which operate without operator intervention. They record contraventions from which PCNs are issued on the basis of the recorded images. The recorded images must be reviewed by an operator before a PCN is issued.

2.3.5 Equipment that can be used for the enforcement of parking contraventions via CCTV is regulated by the Traffic Management Act 2004 and the 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. The Borough of Poole received its Approved Device Certification in October 2011.

2.3.6 Unattended systems identify contraventions automatically and store them for later processing. Such images must be verified by operators prior to notices being issued in a secure Incident Review facility (IRF).

2.3.7 When a non PCN 'incident' is caught on camera, operators will follow procedures outlined in the standard operation manual.

## **2.4 Issue of Penalty Charge Notices (PCNs)**

2.4.1 Penalty Charge Notices will be issued in most cases within 28 days of the date of contravention and in accordance with the relevant legislation as noted in paragraph 2.1.2 of the Code of Practice.

### **Representations and appeals against Penalty Charge Notices**

2.4.2 All representations received from the registered keeper of the vehicle will be considered by Parking Officer's in line with the Council's Penalty Charge Notice guidelines policy and also in accordance with the relevant legislation as noted in paragraph 2.1.2 of the Code of Practice.

2.4.3 In all cases where the representation is not accepted by the Council, then a Notice of Rejection will be issued to the keeper, along with a TPT appeals form, which will confirm that 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 (TPT) Service.

## **2.5 Recordings and still images.**

2.5.1 Recorded material will only be used for the purposes defined in this code of Practice, with the exception of certain purposes as listed in 2.5.2 below, and will only be accessed as defined in the Code of Practice. In no circumstances will recorded material be sold or lent for any purposes other than those set out above. Copyright of all recorded material and stills printed from such material remain totally with the operating authority.

2.5.2 Copies of recorded material will only be released in the following circumstances and only with formal written agreement of the Senior Officer nominated in Appendix 1, Paragraph 5.

- to the Police.
- to a third party prosecuting authority, such as Customs and Excise or the Health & Safety Executive.
- by court order, in connection with civil proceedings.

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

- to support the issue of a PCN
- as an alternative to the keeper of the vehicle viewing the evidence on-line
- as part of internal audit, review or disciplinary procedures
- as part of the training process for parking staff

2.5.4 The keeper of the vehicle who has received a PCN is entitled to view that section of the media recording showing the contravention for which the PCN was issued. The Borough of Poole provides an on-line facility for the keeper to view the

contravention and this information is provided on the PCN itself. The PCN number and Vehicle Registration Mark must be entered to activate this service. Arrangements can also be made in writing, by the keeper, addressed to the Senior Officer nominated in Appendix 1, paragraph 5 to view the recording at the Council Offices. Viewing of the recording will be arranged as soon as possible after a request has been made by the recipient of the PCN.

- 2.5.5 Still images will be provided with each PCN to show sufficient grounds for the PCN being issued. Still images will be sent to the recipient of a PCN upon request and no charge is to be made for the provision of such images.
- 2.5.6 A still image is a print onto paper of the picture held on a single field or frame of the video recording. The equipment will be used to generate these still images and each image produced will contain its unique frame number and the time and date of the occurrence.
- 2.5.7 All recordings and still images will be stored and managed within current Audit requirements and the procedure for production, release and destruction of such recordings and still images will be subject to regular audit.

### **Security of Operations**

- 2.6.1 The CCTV parking enforcement recording and storage operations will be carried out in a secure environment.
- 2.6.2 Visitors may only access the Incident Review Facility when authorised by the Senior Officers indicated in Appendix 1 paragraph 6.
- 2.6.3 A log detailing all events and visits should be maintained in the Incident Review Facility.
- 2.6.4 If the Incident Review Facility is left unattended for any amount of time, no matter how short, the monitoring, storage and IRF equipment must be securely locked and inaccessible to any unauthorised person. Any alternative secure storage room must be subject to the same conditions of attendance.
- 2.6.5 Technical, maintenance and repair work will only be carried out with the authorisation of a responsible officer or agent of the authority.

### **2.7 Procedures Manual**

- 2.7.1 A Standard Operational Procedures Manual listing duties, responsibilities and procedures to be followed will be available in the IRF or secure storage area 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.

### **2.8 Operating Personnel**

#### **Responsibilities**

- 2.8.1 Management responsibility for the operation of the system and observance of this Code of Practice and Standard Operational Procedures Manual resides with the Officers listed in Appendix 1 Paragraph 7.



- 2.8.2 All staff operating the system will be responsible for working in full accord with this Code of Practice and the Standard Operational 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**

- 2.8.3 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.

## APPENDIX 1

### CODE OF PRACTICE PARTICULARS – BOROUGH OF POOLE

**1. Service responsible for the scheme in the Borough of Poole**

Transportation Services, Borough of Poole,

**2. Local Address at which the Code of Practice can be inspected**

Civic Centre, Poole Dorset

St Johns House, Serpentine Road, Poole, Dorset

**3. Addresses at which Annual Reports may be inspected**

Civic Centre, Poole Dorset

St Johns House, Serpentine Road, Poole, Dorset

[boroughofpoole.com/parking](http://boroughofpoole.com/parking)

**4. Address to which queries and complaints about the scheme should be sent**

Transportation Services, St Johns House, Serpentine Road, Poole, Dorset

**5. Officer who can authorise copying and release of recordings**

Parking Services Manager

**6. Officers who can Authorise access to Incident Review Facility**

Parking Services Manager

Assistant Parking Services Manager

CEO Supervisor

**7. Officers responsible for operation of the system and observance of the Code of practice:**

**Overall Responsibility:** Service Unit Head, Transportation Services

**Responsibility for day to day operations:**

Parking Services Manager,

Assistant Parking Services Manager,

CEO Supervisor

**Responsibility for Training:**

Parking Services Manager,

Assistant Parking Services Manager,

CEO Supervisor



## **APPENDIX 3**

### **EQUALITIES IMPACT ASSESSMENT**

A full Equality Impact Assessment (EQIA) was carried by Transportation Services in 2011 which identified that the CCTV camera safety car would have no negative impact on any group listed under the Equalities Act 2010.

## Appendix 4

### Glossary of Terms

Approved Device	A CCTV system approved by the DfT under the Traffic Management Act 2004 for use in the enforcement of parking contraventions
Systems Contravention	A breach of the legislation under which the CCTV scheme is in place to enforce.
DFT	Department for Transport
DVLA	Driver and Vehicle Licensing Agency
Footage	Data represented in a moving visual form that may constitute Personal Data.
Image	Data represented in a still visual form that may constitute Personal Data.
IRF	Incident Review Facility
Operator	An approved officer responsible for reviewing CCTV parking contraventions and fully complaint with the Councils CCTV code of Practice
Traffic Penalty Tribunal	The independent tribunal outside London for adjudicating parking, bus lane and moving traffic contraventions
Parking Contravention	Contravention of a traffic regulations order or other relevant legislation enforceable under the Traffic Management Act 2004
PCN	Penalty Charge Notice
Personal Data identified:	Data which relates to a living individual who can be  (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 includes 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.
Registered Keeper	The person registered with the DVLA as being the keeper of the vehicle