CODE OF PRACTICE

OPERATION OF CCTV CAMERAS FOR CIVIL PARKING ENFORCEMENT

March 2015
# CONTENTS

## 1 INTRODUCTION
1.1 Background ................................. 1
1.2 Commitment and Responsibility .......... 1
1.3 Code of Practice ........................... 2

## 2 THE OPERATION OF CCTV ENFORCEMENT CAMERAS
2.1 Camera Surveillance ....................... 3
2.2 The Legal Framework ...................... 3
2.3 Enforcement of Traffic Regulations by CCTV Camera .......... 5
2.4 Operation of the System .................. 7
2.5 Retention and use of evidence .......... 8
2.6 Guidelines for Appeals ................... 10
2.7 Security of Operations .................... 11
2.8 Procedures Manual ......................... 12
2.9 System Operators ........................ 12

## APPENDICES
Appendix 1 Parking Contraventions for Camera Enforcement .......... 14
Appendix 2 Enforcement Vehicle ................ 15
Appendix 3 Sample Authorised Officer Witness Statement (Parking Contraventions) .......... 16
1. **INTRODUCTION**

1.1 **Background**

1.1.1 Across the borough, it is continuously observed and reported to Parking Services by the public and Members that parking restrictions are being abused to the detriment of the safety of highway users and adding to congestion. These parking restrictions are the types of restrictions where enforcement is difficult or sensitive and on foot Civil Enforcement is not practical.

1.1.2 The introduction of the Traffic Management Act (TMA) 2004 provides local authorities with the powers to undertake enforcement through the use of CCTV cameras. The Deregulation Act 2015 provides an amendment to the TMA 2004, which makes Regulations that, restricts the use of CCTV cameras for parking contraventions. Appendix 1 provides a list of the contraventions that can be enforced using CCTV enforcement as from the 01/04/15.

The primary objective of any camera enforcement system is to ensure the safe and efficient operation of the road network by deterring motorists from contravening road traffic restrictions and detecting those that do.

1.1.3 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 Rochdale Council for enforcing traffic regulations using CCTV cameras to ensure public confidence in the scheme.

1.1.4 This Code of Practice is designed to operate within the 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.

1.2 **Commitment and Responsibility**

1.2.1 This Code of Practice covers only the use of CCTV for the operation of CCTV enforcement cameras within Rochdale Council. Other CCTV within the authority is covered by different codes of practice. This code has been developed within the existing framework of relevant legislation and is designed to complement national guideline and recommended practice.

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

1.3.1 Key Purpose of Code

1.3.1.1 This Code of Practice applies to the use of the CCTV systems for the purposes of enforcing parking and traffic regulations only.

1.3.1.2 This Code of Practice has been drawn up to ensure that the use of CCTV to monitor traffic is consistent throughout the Borough of Rochdale 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 be operated with regard to the advice and guidelines issued by the Department for Transport, Home Office, Police Scientific Development Branch, Local Government Association and the Information Commissioners Office.

1.3.2 Availability of the Code to the Public

1.3.2.1 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 Parking Services, Number One Riverside, Smith Street, Rochdale, OL16 1XU or on Rochdale Council’s website at www.rochdale.gov.uk/parking,_roads_and_transport/parking_fines.aspx

1.3.3 Monitoring and Review of Code

1.3.3.1 The Code will be regularly reviewed by those operating the CCTV monitoring systems. 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 for public inspection at the addresses given above.

1.3.4 Changes to Code

1.3.4.1 It is intended that this Code will be amended as necessary to ensure that it continues to reflect current best practice.

1.3.5 Detailed Objectives of Code

1.3.5.1 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 of offenders in relation to non-compliance with existing regulations.
• To assist with achieving the key objectives of Rochdale’s CCTV schemes

1.3.6 Queries and Complaints about Code
1.3.6.1 Queries and complaints about this Code or its general operation should be sent to: Parking Services, Number One Riverside, Smith Street, Rochdale, OL16 1XU.
1.3.6.2 Queries or appeals against any specific Penalty Charge Notice shall be made to the address shown on the back of the Notice.

2. THE OPERATION OF CCTV ENFORCEMENT CAMERAS
2.1 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 This Code of Practice specifically relates to the use of CCTV cameras when they are being used to enforce traffic regulations. The protocols and procedures for the use of any mobile cameras are detailed in a separate document - CCTV Traffic Enforcement: Protocols and Procedures.
2.1.3 Mobile and transportable 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.
2.1.4 The cameras used for the enforcement of traffic regulations may also be used for general street surveillance when traffic restrictions are not in operation

2.2 The Legal Framework
2.2.1 Legislation governing the operation of CCTV systems
2.2.1.1 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 Freedom of Information Act 2000

2.2.2 Legislation governing the enforcement of traffic regulations using CCTV cameras
2.2.2.1 The enforcement of traffic regulations by CCTV cameras is regulated under the following legislation:
- Road Traffic Regulation Act 1984
- Road Traffic Act 1991
- Section 144 of the Transport Act 2000
- The Traffic Management Act 2004
- The Tribunals and Inquiries (Bus Lane Adjudicators) (England) Order 2005.
- The Civil Enforcement of Parking Contraventions (England) General Regulations 2007
- The Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2015
- The Civil Enforcement of Parking Contraventions (England) General (Amendment No. 2) Regulations 2015
- The Civil Enforcement of Parking Contraventions (approved Devices) (England) Order 2007

Any reference to any enactment or statutory provision above is deemed to include a reference to the latest version of that enactment and any subordinate legislation.
2.2.2.2 Together these Acts allow a local authority to install structures and equipment on or near a highway for the detection of contraventions of Traffic Regulation Orders and to use the information provided by them to serve a Penalty Charge Notice on the registered owner/keeper of a vehicle which contravenes the traffic regulations.

2.2.2.3 Records of the owners/keepers of vehicles that 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 objective of any CCTV camera enforcement system (‘the system’) is to ensure the safe and efficient operation of the road network by deterring motorists from contravening road traffic restrictions and detecting those who do.

2.3.1.1 In order to encourage compliance with traffic regulations the system enables fully trained staff to:

- Monitor traffic activity in accordance with relevant legislation and guidance, including this Code of Practice, and to deter the contravention of road traffic restrictions;
- identify the vehicle registration number (colour and type if identifiable), of unauthorised vehicles contravening traffic regulations;
- support the serving of Penalty Charge Notices to the registered owner/keeper of vehicles identified contravening the regulations;
- record evidence of each contravention to ensure that representations and appeals can be fully answered;
- 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;
- enable the despatch of a Civil Enforcement Officer (CEO) and / or a secondary enforcement team for targeted enforcement of vehicles contravening traffic regulations.

2.3.1.2 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.

2.3.2 Areas of Enforcement

2.3.2.1 The system may be used to survey any area of Highway where there are parking and traffic restrictions, which are defined by a Traffic Regulation Order. Details of relevant Traffic Regulation Orders are likely to be
requested by the Traffic Penalty Tribunal and Bus Lane Adjudicator as part of the Penalty Charge Notice appeal process.

2.3.3 Signs

2.3.3.1 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 takes place from time to time in the area.

2.3.4 Systems, Equipment and Enforcement

2.3.4.1 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.

2.3.4.2 CCTV enforcement systems fall into two generic types:

- Attended Systems
- Unattended Systems

**Attended System**

This system is operated in real time by a camera operator who views the images from roadside equipment. The operator may be located in a central control room or locally, such as a vehicle-based control room. Contraventions are observed by the operator and Penalty Charge Notices are issued primarily on the basis of the operator's observations and supported by the image recordings.

**Unattended System**

This is an automated CCTV system which operates without operator intervention. The system captures potential contraventions to create an evidence pack. This evidence pack must be viewed and verified by a designated CEO before a Penalty Charge Notice is issued.

2.3.4.3 These are currently used across three enforcement streams although not all system types can necessarily be used against all work streams.

- Parking
- Bus Lanes
- Moving Traffic

**Parking Enforcement**

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**

Bus lane enforcement is performed under the Transport Act 2000 and requires an approved device certificate. Approval is similar to that for parking enforcement except that the system must additionally comply with the Bus Lanes (Approved Devices) (England) Order 2005.

**Moving Traffic**

There is currently no specific legislation governing CCTV equipment that can be used for the enforcement of moving traffic contraventions.

2.3.4.4 The mobile CCTV system will be an approved system mounted in a fully liveried vehicle. The vehicle will be liveried with the Rochdale Borough Council branding, and clearly marked as a camera enforcement vehicle (Appendix 2)

2.4 **Operation of the System**

2.4.1 **Monitoring of Traffic**

2.4.1.1 Only properly trained and qualified operators (see section 2.9 – System Operators) will operate the system.

2.4.1.2 A contravention of traffic regulations will be identified depending on whether the system is attended or unattended.

2.4.1.3 Contraventions will be identified from attended systems 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 video images will not be studied to identify contraventions committed at some earlier time.

2.4.1.4 Unattended systems identify contraventions automatically and store them for later processing. Such images must be verified by operators prior to notices being issued.

2.4.1.5 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 onto a Log Sheet.

2.4.1.6 When a contravention is observed using an attended system and sufficient evidence has been recorded, the digital system will record the time and sufficient vehicle identifier information in an electronic fully auditable trail of evidence file. The operator will then continue monitoring in the usual way.
2.4.2 Issue of Penalty Charge Notices

2.4.2.1 The Penalty Charge Notices should be served by first class post, and within 14 days of the contravention, as recommended by The Secretary of State. Any notice served by first class post is deemed to have been served on the second working day after posting unless the contrary is proved.

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

2.4.2.3 In any case, Penalty Charge Notices must be served within 28 days of the date of contravention unless owner/keeper details have not been received from the DVLA. The authority has the right to issue within 6 months of date of contravention.

2.4.3 Representations

2.4.3.1 In all cases, the Rochdale Council will consider the representations and if it does not accept them, issue a Notice of Rejection. If the owner/keeper is not satisfied by this outcome, there is a right of further appeal to the independent adjudicators at the Traffic Penalty Tribunal (see section 2.6 - Guidelines for Appeals).

2.5 Retention and use of evidence

2.5.1 Ownership, copying and release of recordings

2.5.1.1 All recordings are the property of Rochdale Council and may not be copied or released from secure server without the formal written agreement of an Authorised Officer. A copy of the section of 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 in Traffic Appeals
- 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

2.5.1.2 Recordings (or copies of a section of a recording) will only be released upon receipt of a signature to representatives of the above organisations and after proof of identity. A detailed record of the recording (or section of it) that has been released and the reason for its releases will be kept by the Rochdale Council.
2.5.1.3 Recordings (and copies of recordings), which are released, remain the property of Rochdale Council. 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.

2.5.1.4 Rochdale Council will provide the Police with a statement confirming the integrity of the recording, if required for evidential purposes.

2.5.1.5 Under no circumstances will recordings be released to members of the public or other commercial organisations except where such recordings are to be used for educational or training purposes or where release is required under relevant legislation.

2.5.1.6 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 Rochdale Council.

2.5.2 Viewing of recording media

2.5.2.1 The registered owner/keeper of the vehicle and their representative is entitled to view that section of the media recording showing the contravention for which the Penalty Charge Notice was issued.

2.5.2.2 Viewing of the footage will only be arranged following a written request from the registered owner/keeper of the vehicle and subsequent formal agreement by an authorised officer of the Rochdale Council. Viewing of the media evidence should be arranged as soon as possible after a request has been made by the person in receipt of the Penalty Charge Notice. 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. Still images are supplied at no charge on the Penalty Charge Notice. Rochdale Council may send the media recording to the registered owner/keeper of the vehicle upon request, which may incur a small charge.

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

- To support the issue of a Penalty Charge Notice.
- As an alternative to releasing a recording to one of the parties nominated in paragraph 2.5.1.1 above.
- As part of internal audit, review or disciplinary procedure.
- As part of the training process for civil enforcement or verification staff.
- For education and road safety training.

2.5.2.4 A system log of video image will be kept detailing the following:

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

2.5.2.5 These records should be subject to regular audit, at least once a year, by an authorised officer of the Rochdale Council.

2.5.3 Still Images

2.5.3.1 A still image will be provided on the Penalty Charge Notice to show sufficient grounds for the Penalty Charge Notice being issued. No charge is to be made for the provision of such images. The image then becomes the property of the person who received the Penalty Charge Notice. All other still images will remain the property of the Rochdale Council.

2.5.3.2 A still image is a print onto paper of the picture held on a single field or frame of the video recording. The prescribed equipment will be used to generate these still images and each image produced will contain a unique reference number, the date (day month and year) and the time (hours, minutes and seconds) of the alleged contravention.

2.5.3.3 Each still image will be logged and accounted for at all times.

2.5.3.4 Still images will only be generated by an authorised officer of the Rochdale Council and only for the following purposes:
• To support the issue of a Penalty Charge Notice.
• As evidence for an Appeal.
• If the Police or other organisation, with appropriate authority, request such an image with detailed written reasons for their request.

2.6 Guidelines for Appeals

2.6.1 The Appeal Form

2.6.1.1 The relevant appeal form, as produced and supplied by the Traffic Penalty Tribunal, must be enclosed with every Notice of Rejection of Representations issued by the Rochdale Council.

2.6.1.2 The official use box must be completed by an authorised officer of Rochdale Council. This must state the Penalty Charge Notice number, the Vehicle Registration Number, the name of the registered keeper of the vehicle 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.

2.6.1.3 Evidence will be submitted to Traffic Penalty Tribunal at least seven days before the hearing date and must also be sent to the appellant.
2.6.2 Evidence

2.6.2.1 The following items will be required as mandatory by the Traffic Adjudicators:

- Authorised Officer Witness Statement – a declaration that, at the time the contravention was observed and verified, the monitoring and recording equipment used was of a type approved by the Secretary of State and was in full working order at that time. An example of the Authorised Officer Witness Statement that should be used for parking contraventions is included in Appendix 3.

- Copy of the Penalty Charge Notice.

- Copy of the Notice of Rejection.

- Copies of any representations made and all correspondence, including details of telephone conversations.

- A case summary - This should include the relevant part of the regulation allegedly contravened and deal with any exemption claimed by the appellant.

- Colour visual images of the Contravention – the images must show the context of the contravention and the vehicle registration mark identification. All pictures must display the location, date and time of the contravention. The Adjudicators do not expect footage except in particular cases where there is a strong conflict of evidence. If the Council produces video evidence to the Adjudicators, they must also supply the appellant with a copy. The video for the Adjudicators must be of a type approved by Traffic Penalty Tribunal however, the video for the appellant must be in a format agreed with the appellant. Even if the appellant has already viewed the Council's recorded evidence of the contravention, the Adjudicator would expect to see images in evidence. A copy of the images 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.

- The evidence submitted to the Traffic Penalty Tribunal must confirm that the appellant has been sent copies of the evidence submitted to the Adjudicator. The evidence copied to the appellant must be in the same format as that submitted to the Adjudicator.

The list above is not exhaustive. As with any case, the Adjudicator may ask for other forms of evidence not mentioned above.

2.7 Security of Operations

2.7.1 The CCTV enforcement operations will be carried out in a secure and lockable Control Room only accessible by duly authorised personnel. All
video recordings, witness statements and other records will be stored in the secure environment.

2.7.1.1 Access to the Control Room will be strictly monitored and controlled by authorised personnel. A logbook will be maintained in the Control Room in which details of all events and visits will be recorded.

2.7.1.2 Access to the system and data storage areas will be controlled to prevent tampering or unauthorized viewing. The audit trail developed as part of the operational procedures will retain records of who has accessed videos or images, the system and when.

2.7.1.3 With the exception for images posted on Penalty Charge Notices, the release of videos or images will only be made by an authorised officer of the Council. The procedure for production, release and destruction of videos and images will be subject to regular audit as outlined in local procedures.

2.7.1.4 Any disposable media that are used to record digital images should be physically destroyed (e.g. shredded) once they are no longer required. Any disposal or deletion must be recorded in the audit trail.

2.7.1.5 Technical, maintenance and repair work will only be carried out with the authorisation of a responsible officer of the Council.

2.7.1.6 If the Control Room is left unattended for any amount of time, no matter how short, the monitoring, storage and control room 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.

2.8 Procedures Manual

2.8.1 The CCTV Traffic Enforcement: Protocols and Procedure Manual listing duties, responsibilities, and procedures to be followed, will be available in the Control Room at all times. Access to the manual shall be restricted to officers who have responsibility for operating the system. The protocols will be regularly updated to reflect current agreed practice.

2.9 System Operators

2.9.1 Responsibilities

2.9.1.1 Management responsibility for the operation of the system and observance of this Code of Practice, and associated protocols and procedures, resides with Rochdale Council.

2.9.1.2 All personnel permitted to operate the System will be obliged to work to rules of confidentiality. They will be fully instructed in their responsibilities.
All staff operating the system will be responsible for working in full accord with this Code of Practice and the Protocols and Procedure 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 Protocols and Procedures Manual. Breaches of this Code of Practice or of the Procedures will result in disciplinary action.

2.9.2 Selection and Training

2.9.2.1 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.

2.9.2.2 All staff undertaking enforcement of parking and traffic regulations using CCTV cameras must have successfully completed a relevant training course as agreed with Rochdale Council.

2.9.2.3 All staff undertaking verification of recorded visual images, must be a nominated Civil Enforcement Officer and be fully instructed in their responsibilities for this role.

2.9.2.4 Training will include:

- All aspects of this Code of Practice
- All aspects of Traffic Enforcement: Protocols and Procedures.
- All aspects of equipment operation.
- System audit procedures.
- Enforcement, verification, and issue of Penalty Charge Notices.
- Knowledge of the areas of application in the Borough.
- The necessary underpinning knowledge of Traffic Law
- Health & Safety.

2.9.2.5 Full records of training and of assessments of competence will be kept according to the Employer’s Standard Procedures.

2.9.2.6 Operators will only be permitted to operate the system unsupervised when they have proved their competence according to the agreed protocols and procedures.
Appendix 1

Parking Contraventions for Camera Enforcement

1. Stopped on a restricted area outside a school.
2. Stopped where prohibited (on a red route or clearway).
3. Stopped on a restricted bus stop or stand.
Appendix 2

Enforcement Vehicle

![Enforcement Vehicle](image1)

![Enforcement Vehicle](image2)
Appendix 3

Authorised Officer Witness Statement (Parking Contraventions)

[Appellant] v [Council]
Traffic Penalty Tribunal Case No.
Penalty Charge Notice:

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

This statement is true to the best of 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 introduced e.g.
stills from video]. I certify that these were produced [describe circumstances in which
they were produced: e.g. stills from a video 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 prescribed device approved by the Secretary of State.
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………………………….