

# **Code of Practice for Operation of CCTV Enforcement Cameras**

**Birmingham City Council**



## **PART 1**

### **1 INTRODUCTION**

#### **1.1 Background**

1.1.1 Across the City Council, it is continuously observed and reported to Parking Services by the public, and the civil parking enforcement contractor (NSL Services Ltd) 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 which are unable to be enforced effectively by on foot Civil Enforcement Officers due to the small amount of time in which the contraventions occur on areas such as Clear Ways (Red Lines) as well as school keep clears. Appendix 5 gives a full list of contraventions for enforcement.

1.1.2 The Traffic Management Act (TMA) (2004) has provided a solution to this on going issue by permitting the use of Mobile CCTV vehicles to enforce the kind of contraventions mentioned above. Paragraph 50 of the Department For Transport (DfT) *Guidance To Local Authorities On The Civil Enforcement Of Parking Contraventions* states that: The primary objective of any camera enforcement system is to ensure the safe and efficient operation of the road

## **1.2 Code of Practice**

### **Key Purpose of Code**

1.2.1. This Code of Practice has been drawn up to ensure that the use of mobile CCTV to enforce traffic contraventions is consistent across the City Council and in accordance with current best practice used by many other Local Authorities. The Code ensures that issues such as privacy and integrity are properly respected. The use of mobile CCTV for mobile parking enforcement 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 and Office of Data Protection Commissioner.

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

1.2.2 Copies of this Code of Practice can be inspected at Parking Services, 1, Lancaster

### **Queries and Complaints about Code**

1.2.6 Queries and complaints about this Code or its general operation should be sent to: The Director of Highways & Resilience, 1 Lancaster Circus Queensway. Birmingham. B47DJ.

1.2.7 Queries or appeals against any specific Penalty Charge Notice (PCN) shall be made to the address shown on the Regulation 10 Penalty Charge Notice. (Reg 10, PCN)

## **PART 2**

### **2. THE OPERATION OF MOBILE CCTV ENFORCEMENT CAMERAS**

#### **2.1 Mobile CCTV Camera Enforcement**

2.1.1 This Code of Practice specifically relates to the use of mobile 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. Separate Codes of Practice exist covering the other purposes for which CCTV cameras are used.

2.1.2 Mobile or transportable cameras may be temporarily sited within an area for the purposes of the enforcement of Traffic Regulations Orders (TROs) 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 mobile 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 mobile 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 mobile CCTV cameras is regulated under the following legislation:

- Road Traffic Regulation Act 1984

Road Traffic Act 1991

Traffic Management Act 2004

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.

2.2.4 Together these Acts allow Birmingham City Council to:-

install structures and mobile equipment on or near a highway for the detection of contraventions of Traffic Regulation Orders,







2.4.4 The CCTV vehicle will be staffed by a driver and camera operator. The vehicle will be parked in a safe location. The operator will then start observation of the traffic in accordance with agreed enforcement plans for deployment. It is essential that the operator

contravention is recorded. (Directing the camera to unique landmarks and to any adjacent relevant camera enforcement signs for approximately three seconds each will achieve this.) The operator must move cameras with due regard for the privacy of the individual and must ensure that as cameras are panned, zoomed and tilted that they do not pause on any field of view other than the carriageways and adjacent footways which make up the Areas of Application.

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2.5.2 Recorded digital images are retained as evidence to support the primary evidence supplied by the operator. All observations are concurrently recorded on a digital hard drive in the enforcement vehicle. At the end of each day the digital recordings on the hard drive will be downloaded onto an encrypted memory stick by the camera operator.

2.5.3 The digital images on the encrypted memory stick will be transferred onto the desk top computer at NSL base, dedicated to processing images using SEA Road Flow software. A copy of all the data that has been transferred from the vehicle hard drive to

2.5.4 The evidential recording will be sealed and labelled with the date, and times the recording refers to. The Evidential DVD will then be retained in a secure sealed cabinet at NSL offices. The Evidential DVD will not be opened or viewed unless:-

2.5.5

the desk

top hard drive (op.1-3(d)11(i)-4(ns)-3(t)-4(h)24 420.07 T98.18 P0300581100558B 0 1 442.51T 1 90.024 489.07 200









contravention Log Sheet to determine the status of the equipment at the time at which the contravention was witnessed. An example of a Camera Enforcement Contravention Log Sheet is included in Appendix 3.

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) Copies of any representations made and all correspondence

e) Copy of the Notice of Rejection

f) Colour Images of the Contravention - 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 contravention. The Adjudicators do not expect to require production of the video evidence other than in particular cases where there is a strong conflict of evidence. If the Council decide to produce video evidence to the Adjudicators, they must also supply the appellant with a copy. The video for the Adjudicators must be in a type approved by Traffic Penalty Tribunal, however, the video for the appellant must be in DVD format or other format agreed with the appellant. Even if the appellant has already viewed the Council 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.

g) 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 is posted to the Appellant and the same information is sent to TPT by email.

2.6.4 The list above is not exhaustive. As in any case before the Traffic Penalty Tribunal Adjudicators, the Adjudicator may ask for other forms of evidence not mentioned above.

## **2.7 Security of Operations**

2.7.1 The CCTV contravention reviewing operations will be carried out in a secure and lockable Room at NSL Services Ltd, Scala House.



2.7.2 All monitoring, recording and copying equipment will be located in this room.

stored in secure and locked cabinets within this room or other secure environment.

en delivered to

Birmingham City Council Processing team.

2.7.3 When all reviewing of contraventions has been completed and the room is empty, no matter how short a period of time, 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.

2.7.4 The enforcement vehicle will be kept when not in use in a secure car park at 1 Lancaster. Circus Queensway. Birmingham B4 7DJ

## **2.8 Procedures Manual**

2.8.1 An Operators Procedures Manual listing duties, responsibilities and procedures to be followed will be available in the Control Room NSL 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 Paragraph 6.

2.9.2 All staff operating the system will be responsible for working in full accord with

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 to rules of confidentiality.

2.9.4 They will be fully instructed in their responsibilities and role in operating CCTV.









## **Appendix 4**

### **Authorised Officer Witness Statement (Parking Contraventions)**

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To Follow



## Appendix 6

### Camera Enforcement Vehicle

Example of Camera Enforcement Vehicle:-





## Appendix 7

### Glossary of 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).
Approved Device	A CCTV system approved by the Dft under the Traffic Management Act 2004 for use in the enforcement of parking contraventions.
CCTV Camera	Closed Circuit Television (CCTV) Camera is a method of capturing CCTV Camera
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.
Dft	Department for Transport
DVLA	Driver and Vehicle Licencing Agency where the registered keeper details are obtained from in order to despatch the Reg10 PCN.
Parking Contravention	Contravention of a Traffic Regulation Order enforceable under the Traffic Management Act 2004.