



Portsmouth  
CITY COUNCIL

# **CODE OF PRACTICE FOR THE OPERATION OF ENFORCEMENT CAMERAS**

November 2016

## **Contents**

1.	INTRODUCTION .....	1
1.1.	Back ground .....	1
1.2.	Commitments and Responsibility .....	2
2.	CODE OF PRACTICE .....	2
2.1.	Purpose .....	2
2.2.	Public Availability .....	2
2.3.	Monitoring and Review.....	3
2.4.	Objectives.....	3
2.5.	Queries or Complaints .....	3
3.	THE OPERATION OF ENFORCEMENT CAMERAS.....	3
3.1.	Camera Usage .....	3
3.2.	Legal Framework.....	4
3.3.	Enforcement Restrictions and Regulations.....	5
3.4.	System Operation .....	6
3.5.	Penalty Charge Notices .....	6
3.6.	Storage and use of Evidence .....	7
3.7.	Appeal Guidelines .....	8
3.8.	Security of Operations .....	10
4.	Appendix 1 .....	11
5.	Appendix 2 .....	12

## **INTRODUCTION**

### **1.1. Background**

- 1.1.1 Across the City of Portsmouth, it has been regularly observed that bus lanes are being used by a number of vehicles not authorised to do so. This is detrimental to the bus services and other authorised vehicles for who the lane was introduced. The enforcement of Bus Lanes by Portsmouth City Council is not practical by any means other than an approved device.
- 1.1.2 The Transport Act 2000, with the introduction of new statutory instruments in November 2005, allows the enforcement of Bus Lanes through camera technology by approved Local Authorities outside the Greater London Area.
- 1.1.3 Additionally throughout the City, regular contraventions of parking restrictions are observed- including school zig zags and bus stops. This causes a serious road safety concern for users of the network, for whose safety these restrictions have been put in place. The enforcement of these locations are difficult by normal enforcement processes.
- 1.1.4 The Traffic Management Act 2004, with the introduction of new statutory instruments in 2007, allows the enforcement of certain parking contraventions through approved devices.
- 1.1.5 The primary objective of this enforcement system is to ensure the safe and efficient operation of the network by deterring motorists from contravening restrictions, which may or may not require traffic regulation orders, and detecting those who do.
- 1.1.6 The Code of Practice is an essential and integral part of the camera enforcement system. It sets out the objectives and the rules by which the system will be operated. This will also ensure privacy, fairness and integrity issues are properly dealt with. Minimum standards are set out for enforcement to ensure confidence within the scheme.
- 1.1.7 This code of practice has been designed to operate within the framework of relevant pieces of legislation and to complement any guidance produced by the Department for Transport. If any contradictions occur between this document and any relevant legislation or guidance documentation then this document defers to that legislation/guidance.

## **1.2. Commitments and Responsibility**

- 1.2.1 This Code of Practice only covers the use of approved camera devices operated to enforce regulations and restrictions within Portsmouth City Council. All other CCTV or approved devices used within the authority are covered by their own codes of practice.
- 1.2.2 Management responsibility for the system operation and observance with this code of practice resides with Portsmouth City Council.
- 1.2.3 All data will be processed fairly and lawfully, and appropriate security measure will be taken by system operators to work to the rules of confidentiality. All staff operating the system will be responsible for working fully in accordance with this Code of Practice and any other local procedures. They remain subject to the authorities normal disciplinary procedures.

## **CODE OF PRACTICE**

### **2.1. Purpose**

- 2.1.1 This Code of practice only applies to the use of approved devices and its system for the purposes of enforcing restrictions and traffic regulation orders.
- 2.1.2 This Code has been drawn up to ensure that the use of the approved device for monitoring and enforcement of Bus Lanes and Parking Restrictions is consistent within the City of Portsmouth and in accordance with current best practice. Issues such as the respect of privacy and integrity are assured by this Code.

### **2.2. Public Availability**

- 2.2.1 In accordance with the Local Government (Access to Information) Act 1985 copies of this Code of Practice are publicly available. It can be inspected Portsmouth City Council Parking Service, Civic Offices, Guildhall Square, Portsmouth, PO1 2NE or on our website [www.portsmouth.gov.uk](http://www.portsmouth.gov.uk).

## **2.3. Monitoring and Review**

2.3.1 This Code will be regularly reviewed by Portsmouth City Council and those involved in the system operation.

2.3.2 On review, this code will be amended as necessary to ensure it continues to reflect best practice.

## **2.4. Objectives**

2.4.1 This Code of Practice has been set out to meet at least the following objectives:

- To reassure the community that the approved device and enforcement system is being operated competently and honestly by its operators.
- To ensure that staff operating the system are aware of and follow correct procedures.
- To use cameras as a deterrent and improve compliance with the restrictions and regulations.
- To facilitate the detection of non-compliance of the restrictions and regulations by non-authorized vehicles.

## **2.5. Queries or Complaints**

2.5.1 Queries or complaints about this Code of Practice and/or its operation should be sent either by post to Transport Environment and Business Support, Civic Offices, Guildhall Square, Portsmouth, PO1 2NE or by email to [parking@portsmouthcc.gov.uk](mailto:parking@portsmouthcc.gov.uk).

2.5.2 Appeals or queries related to a specific Penalty Charge Notice should be made as stated on the notice.

## **THE OPERATION OF ENFORCEMENT CAMERAS**

### **3.1. Camera Usage**

3.1.1 Closed Circuit Television (CCTV) cameras operated by local authorities in public places are used for a wide range 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. The enforcement cameras are approved devices certified for use in static positions and this is their sole use.

3.1.2 This Code of Practice relates specifically to the approved devices being used for the enforcement of restrictions and regulations.

3.1.3 The location of these cameras may be moved between sites, this code of practice covers all sites at which enforcement takes place through approved and certified devices/locations.

### **3.2. Legal Framework**

3.2.1 CCTV systems are governed by a number of legislation documents and due regard in its operation is given to the following:

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

3.2.2 In addition, further legislation regulates the enforcement of traffic regulations. This is covered within the following legislation:

- Road Traffic Regulation Act 1984
- Section 144 of the Transport Act 2000
- The Bus Lanes Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005.
- The Tribunals and Inquiries (Bus Lane Adjudicators) (England) Order 2005.
- The Bus Lane Contraventions (Approved Local Authorities) (England) Order 2005.
- The Bus Lanes (Approved Devices) (England) Order 2005.
- Traffic Management Act 2004, Part 6
- 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.

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.

3.2.3 Together these Acts allow a local authority to install structures and equipment on or near a highway for the detection of contraventions with or

without 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.

- 3.2.4 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.

### **3.3. Enforcement Restrictions and Regulations**

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

- 3.3.2 In order to encourage compliance with the regulations this system enables trained staff to:

- Monitor activity in accordance with relevant legislation and guidance, including this Code of Practice, and to deter the contravention of 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;

- 3.3.3 The system is intended to enforce the Bus Lanes and Parking Restrictions only. It will not be used to invade the privacy of any persons in the domestic, business or other private premises, buildings or land.

- 3.3.4 The system may be used to enforce any Bus Lane which is defined by a Traffic Regulation Order or Parking Restrictions as defined by appropriate signs and on street markings. Details of the relevant Traffic Regulation Orders are likely to be requested by the Adjudicators as part of the Penalty Charge Notice appeal process.

3.3.5 Relevant camera enforcement signage will be displayed in areas where camera enforcement takes place. The signage does not define the cameras field of view.

3.3.6 Camera enforcement systems fall within one of two categories:

- Attended Systems
- Unattended Systems

**Attended Systems** are 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. 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 Systems** are 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

(This information does not supersede or replace legislative requirements)

3.3.7 Portsmouth City Council will be using an unattended system for the sole use of enforcement. The enforcement is performed under the Transport Act 2000 and Traffic Management Act 2004, both requiring an approved device certificate. Approval for the system must additionally comply with the Bus Lanes (Approved Devices) (England) Order 2005 and The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007.

### **3.4. System Operation**

3.4.1 Only properly trained operators will use the system

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

### **3.5. Penalty Charge Notices**

3.5.1 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.

- 3.5.2 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.
- 3.5.3 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.
- 3.5.4 Representations in all cases will be considered by Portsmouth City Council and where they are not accepted, a notice of rejection will be issued. If the owner/keeper is not satisfied by this outcome, there is a right of further appeal to the independent adjudicators at the relevant Adjudication Service.

### **3.6. Storage and use of Evidence**

- 3.6.1 All evidential media related to Camera enforcement is linked to the auditable Penalty Charge Notice Number. It is stored on Portsmouth City Councils secure servers and only accessible via our SiDem system where access is limited to authorised personnel only.
- 3.6.2 Copyright of all recorded material and stills printed from this material remain with Portsmouth City Council. Recorded material will only be used and accessed for the purposes defined in this Code of Practice.
- 3.6.3 Under no circumstances will recorded material (or items generated from it) be released, sold or lent to members of the public, media or other commercial organisations except for the purposes set out below or where release is required under legislation.
- 3.6.4 All evidential media remains the property of Portsmouth City Council and will only be copied or released from our secure server by an authorised officer. A copy of a section of footage, relevant to a particular contravention, will only be released:
- To the relevant Adjudication Service
  - 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.

3.6.5 Recordings (or copies of a section of a recording) will only be released upon receipt of the appropriate notices, to representatives of the above organisations and after proof of identity has been confirmed.

3.6.6 Recordings (and copies of recordings), which are released, remain the property of Portsmouth City 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.

3.6.7 Registered owners/keepers of a vehicle and their representative are entitled to view the media recording relating to the contravention for which a Penalty Charge Notice has been issued.

3.6.8 Footage is viewed via a secure Online Case Management (OCM) system, which is accessed from a personal computer using the registration of their vehicle and Penalty Charge Notice number. This can additionally be viewed by attending the Portsmouth Civic Offices, where computers can be accessed within reception for public use, to access OCM.

3.6.9 Still images are provided on the Penalty Charge Notice to show sufficient grounds for its issue. This image becomes the property of the person who received the Penalty Charge Notice.

3.6.10 Still images can also be accessed via OCM along with the video footage.

3.6.11 Still images will be generated only by an authorised officer for the following purposes:

- To support the issue of a Penalty Charge Notice
- As evidence for an Appeal
- If the Police or other appropriate authority requests an image with detailed written reasons for their request.

### **3.7. Appeal Guidelines**

3.7.1 The Notice of Rejection of Representations issued by Portsmouth City Council will detail how to make an appeal to the relevant adjudication service by providing a website where the appeal can be made and a

specific PIN number that must be entered along details of the relevant PCN. Alternatively a telephone number is provided that can be used if the person making an appeal is unable to do so online and a form will be sent to them by the Adjudication Service.

3.7.2 Evidence is available to view online by both Portsmouth City Council and the person making the appeal.

3.7.3 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 contraventions is included in Appendices 1 and 2.
- 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.

### **3.8. Security of Operations**

- 3.8.1 The enforcement operations will take place within the Transport Management Centre (TMC), a secure control room with access limited to authorised personnel.
- 3.8.2 The TMC is an operational CCTV control room where access is strictly monitored. A list of authorised personnel is posted within the TMC and a log book maintained for any other visitors.
- 3.8.3 Access to the system and any data storage areas will be controlled to prevent unauthorised access. There is an audit trail within the SiDem system used by authorised staff to view cases and footage.
- 3.8.4 With the exception of images posted on the Penalty Charge Notice, videos and images are accessible to members of the public via the Online Case Management online system. This requires unique details found on the Penalty Charge Notice and a corresponding Vehicle Registration Number. Other media released will only be made by an authorised officer.
- 3.8.5 Media stored on the secure server will be removed/deleted on an authorised officer agreed, auditable timescale.
- 3.8.6 If the TMC is left unattended for any reason, access to any item relating to bus lane enforcement will be locked to prevent unauthorised access.

**Appendix 1**

**Authorised Officer Witness Statement  
(Bus Lane Contraventions)**

[Appellant] v [Council]  
Bus Lane Adjudication Service 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 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:

- that this/these was/were produced in accordance with ‘The Bus Lanes Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005’;
- 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;
- 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 2**

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

[Appellant] v [Council]  
Parking Adjudication Service 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 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:

- that this/these was/were produced in accordance with 'The Civil Enforcement of Parking Contraventions (England) General Regulations 2007' and 'The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007';
- that the image was recorded using an approved device as set out in 'The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007';
- 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.....