



CODE OF PRACTICE

Parking & Bus Lane Enforcement ANPR cameras

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1. Introduction

The introduction of new statutory instruments in November 2005 under The Transport Act 2000 allows for the enforcement of Bus Lanes through camera technology by approved Local Authorities. This type of enforcement for traffic regulations by CCTV cameras is 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.

The guidance published by the Department for Transport in November 2005 on bus lane enforcement sets out how English local authorities outside London can set up and operate an effective and efficient enforcement regime. The guidance specifies that *“Each local authority undertaking enforcement must put in place procedures to ensure that the systems are operated in such a manner as to preserve the integrity of the evidence and to ensure that it is handled and stored in a secure environment. The procedures should be designed to satisfy the community over the competence and honesty of the system and its operators, to reassure the community over the privacy of private areas and domestic buildings and to comply with the requirements of the Data Protection Act 1998.”*

This Code of Practice has been developed by Coventry City Council with the above aims in mind.

2. Purpose of the Code of Practice

An essential and integral part of any CCTV system is a Code of Practice to ensure that issues such as privacy and integrity are properly respected. This Code of Practice sets out the way in which enforcement of bus lane and parking regulations using CCTV cameras will be conducted. This is to ensure that the use of CCTV to monitor and enforce parking and bus lane contraventions is consistent.

The use of CCTV in public places must take place in accordance with the advice and guidelines issued by the Department for Transport, Home Office Scientific Development Branch and Information Commissioner’s Office. The following document offers further information and advice for local authorities:

- Surveillance Camera Commissioner’s Code of Practice 2013.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/282774/SurveillanceCameraCodePractice.pdf

It is recognised there will be additional localised enforcement guidelines and protocols depending on the equipment, system and circumstances under which parking and bus lane enforcement is to take place. The code of practice outlines what should be included in the local protocols.

Closed Circuit Television (CCTV) cameras are operated for a wide variety of purposes including the prevention and detection of crime, protection of public and private property, town/city centre management, traffic monitoring in addition to the enforcement of traffic regulations. A single CCTV camera may be used for a number of these purposes at different times of the day.

3. The Legal Framework

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

- The Data Protection Act 2018
- The Human Rights Act 1998
- The Regulation of Investigatory Powers Act 2000
- The Protection of Freedoms Act 2012

The enforcement of traffic regulations by CCTV cameras outside of the Greater London Area is regulated under the following statutory instruments:

- Road Traffic Regulation Act 1984
- Road Traffic Act 1991
- 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.

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.

4. Responsibility

Management responsibility for the operation of the system and observance of this Code of Practice rests with the operating Local Authority. The local authority should document the details of the management structure, specific roles and responsibilities and training for CCTV enforcement.

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 undertaking enforcement of traffic regulations must have completed appropriate training to their position. All staff operating the system will be responsible for working in accord with this Code of Practice and local procedures. They will be subject to their employer's normal disciplinary procedures and will sign to acknowledge that they understand this Code of Practice and local procedures.

The Parking Manager is the single point of contact and the single responsible officer for the ANPR parking and bus lane enforcement systems operated by Coventry City Council.

5. Security of Operations

CCTV enforcement operations will be carried out in a restricted environment accessible by authorised personnel only. All video recordings, witness statements and other records will be stored digitally in a restricted environment.

Technical, maintenance and repair work of the systems will only be carried out by authorised personnel under the supervision of a responsible officer of the Council.

In order to ensure data is processed fairly and lawfully an audit trail of CCTV surveillance and video recording must be established. This audit trail must be detailed as part of the operational procedures. This should be established before images and data are collected.

All video recordings or still images must be held securely, in an unalterable state or storage medium.

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

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

6. Areas subject to enforcement

The areas that will be enforced must be defined by a Traffic Regulation Order. Details of relevant Traffic Regulation Orders are likely to be requested by the independent adjudicator as part of the Penalty Charge Notice appeal process. CCTV surveillance must be specific to these areas. It will not be used to invade the privacy of any persons in domestic, business or other private premises, buildings or land.

7. Signs to be displayed

Signing (including road markings) is required to legally indicate the parking and bus lane traffic regulation orders to drivers. These should be checked regularly to avoid challenges on the grounds of inadequate, inconsistent or defective signing.

It is recommended that 'Bus Lane Camera' enforcement signs are also erected on the approach to the areas to be enforced. The signs will not define the field of view of the cameras but will advise that camera enforcement is taking place. The signs to be displayed on the approach are prescribed by the Traffic Signs Regulations and General Directions. Further information on signing can be obtained from the Department for Transport.

8. Description of Equipment

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, and the payment of such penalty charges. The CCTV equipment to be used for Bus Lane Enforcement has been defined in the Schedule in 'The Bus Lanes (Approved Devices) (England) Order 2005' as follows:

- (a) In this schedule "the equipment" means equipment comprising a device.

- (b) The equipment includes a camera which is:
 - securely mounted on a vehicle or at the roadside or on a building, structure or other erection;
 - mounted in a position that will enable vehicles in a bus lane or selected area of bus lane or road to be surveyed by it;
 - capable of producing:
 - a close-up legible image of the registration plate of any vehicle in the bus lane or, the selected area;
 - a wider-angle image of the carriageway such as will enable information to be provided about any circumstances which may have caused the vehicle to be in the bus lane or the selected area;
 - connected by secure data links to a recording system.

- (c) The equipment includes a recording system in which:-
 - recordings are made automatically of the output from the camera surveying the bus lane or selected area;
 - recordings are made using a secure digital recording method which records at a minimum of 5 frames per second.
 - each frame is timed (in hours, minutes and seconds), dated and sequentially numbered automatically, using a visual counter which resets to zero when the recording system is initially activated and increments for each frame;
 - The location of the bus lane or selected area being surveyed is shown;
 - where any part of the equipment is controlled manually, two simultaneous recordings are made of the camera output viewed by the operator.
 - The equipment is synchronised with the "Rugby" atomic clock or another independent national standard clock and is accurate within plus or minus 10 seconds over a 14-day period and is re-synchronised at least once during that period.

- (d) Where the equipment includes a facility to print a still image from a digital record, any printed image is endorsed with the time and date when the frame was captured and its unique number.

- (e) Where the equipment includes a facility for simultaneous voice-over recording, it incorporates a time mark from the clock with which the recording system is synchronised, denoting contemporaneous recording with the vision track.

The Transport Act 2000 permits “the imposition of a penalty charge only on the basis of a record produced by an approved device”. The Transport Act defines an "approved device" as “a device of a description specified in an order made by the relevant national authority”. The Department for Transport provides advice on “approved devices” in the ‘Provisional guidance on bus lane (including tramway) enforcement in England outside London’ published November 2005. The type of approved devices currently falls within three descriptions as follows:

- “(a) A device of a description specified in an order made by the Secretary of State (Home Secretary) under section 20(9) of the Road Traffic Offenders Act 1988 (prescribed devices for the purposes of speeding and other offences);

(b) A device certified by a person authorised in that behalf by the Secretary of State (for Transport), as meeting the criteria specified in paragraphs 2 to 6 of the schedule to the Bus Lanes (Approved Devices) (England) Order 2005;

(c) A device that does not meet the criteria referred to in paragraph b) above but which was used before the coming into force of the Order for the purposes of bus lane enforcement under Part II (bus lanes) of the London Local Authorities Act 1996.”

It is important that the equipment used has the necessary approvals before penalty charge notices are issued and any certification documents are accessible.

The CCTV monitoring station for unattended systems allows the operator to select and review the output from any one of the available CCTV cameras in the system. Each recording should be timed, dated and sequentially numbered automatically by the system.

The equipment may include a facility to print or copy in digital format still images of any frame recorded. Printed or copied images must be endorsed with the exact time and date when the frame was captured and its unique frame number.

The recording of video footage or digital images of the contravention forms part of the evidence of a contravention. It is important that the quality of the video footage or digital images is ‘fit for purpose’ and the appropriate resolution, level of compression and number of pictures per second must be set accordingly.

It is important that the equipment is routinely maintained and checked in accordance with the manufacturer’s instructions. A maintenance record of equipment should be kept, including records of any tests.

The equipment must be synchronised to the ‘Rugby’ atomic clock, or a signal from a recognised similar independent output. The last Rugby Clock update (time signal by radio wave every minute) should be checked on the stop-start frame at the beginning of each period of operation. The stop-start frame is displayed at the beginning and end of each recording. If a Rugby Clock update has not occurred for at least 72 hours, it should be done as soon as possible. This may mean leaving the system on until an update has been received, as in some areas, updates occur mainly at night due to problems with other equipment in the area interfering with the Rugby Clock signal.

9. Information to be captured

The recording of video footage or digital images of the contravention will be used to identify the following:

- Location (or camera reference number)
- Date, time in hours and minutes and video frame
- Vehicle Registration Mark
- The make, model and colour of the vehicle

Parking and bus lane contraventions reviewed by CCTV operator

The exact time and incremental counter reading must be recorded at the start and finish of each period of surveillance. The operator must obtain the most effective images of a vehicle and its surrounding circumstances.

- The video footage of potential contraventions will be automatically recorded by the CCTV camera.
- Video footage is later reviewed by trained operators to identify contraventions committed at some earlier time.
- The operator will ensure the privacy of the individual and must ensure that any images of passing pedestrians or drivers is obscured to prevent facial recognition and to protect their privacy.
- When the operator is satisfied that enough evidence of the contravention has been recorded, the information will be retained as an evidence pack and a penalty charge notice will be generated.
- If the information does not provide evidence of a contravention, the operator will reject the information and the recording will be deleted in line with procedures.

10. Storage of Evidence

It is important that an audit log is maintained to track the movement of all evidential media. The audit trail should link to the Penalty Charge Notice (PCN) Number which will be unique. The evidential material should be stored so it can only be accessed by authorised personnel.

Still Images

A copy of a still image may be supplied to a person who has received a PCN to support that PCN. A still image may be supplied as an alternative to viewing video evidence. No charge is to be made for supplying the image.

A still image can be a print onto paper of the picture or in an approved digital format of a single field or frame of the video recording. Each image will contain its unique frame number and the time (HH MM SS) and date (DD MM YY – or similar format) of the occurrence.

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

- to support the issue of a PCN;
- as evidence for an Appeal;
- if the Police, or other organisation approved by the operating Authority, request such an image with detailed written reasons for their request.

Ownership, copying and release of recordings

Copyright of all recorded material and stills printed from such material remain with the operating Authority. Recorded material will only be used and accessed for the purposes defined in this Code of Practice. In no circumstances will recorded material (or any copies

or still prints generated from it) be released, sold or lent to members of the public, media or other commercial organisations except for the purpose set out below.

All recordings are the property of the Authority operating the scheme and may not be copied or released from secure storage without the approval of an authorised officer. A copy of the section of a working video recording or stills, relevant to a contravention, will only be released: -

- For viewing by an appellant (or his representative) as part of the appeals procedure as defined by section 8(5)(n) of The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005 or in accordance with The Traffic Management Act 2004 s78; Civil Enforcement of Parking Contraventions (England) General Regulations 2007; Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007; The Road Traffic Regulations Act 1984 Sections 1, 2, 4 & (as amended);
- To the Parking and Bus Lane Adjudication Service (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
- For disposal

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. A detailed record must be kept of the recording (or section of it) that has been released and the reason for its release.

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

Viewing of video recordings

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

Viewing will only take place in a secure area under supervision from authorised personnel.

11. Review of Offence & DVLA Search

Each contravention will be reviewed to decide whether it is a clear and indisputable contravention. The information to be recorded as part of the review are outlined as follows:

- The registration mark of the vehicle
- The vehicle make, model and colour
- The detection date and time
- The location of the alleged contravention

This information will be used to obtain the name and address of the registered keeper of the detected vehicle. Records of the registered keeper, which contravene traffic regulations, will be obtained in accordance with the Driver and Vehicle Licensing Agency enquiry procedures in line with the terms of the KADOE agreement. This evidence will be used to generate a PCN.

12. Issue of Penalty Charge Notices (PCNs).

As described in the relevant Parking and Bus Lane Contraventions regulations, the PCN must state:

- (a) the registration mark of the vehicle involved in the alleged contravention;
- (b) the detection date and the time at which the alleged contravention occurred;
- (c) the reasons why the authority believe that a penalty charge is payable;
- (d) the amount of the penalty charge;
- (e) that the penalty charge must be paid before the end of the 28day period;
- (f) that if the penalty charge is paid before the end of the period of 14 days beginning with the date of service of the notice, the penalty charge will be reduced by one half;
- (g) that representations may be made, on any of the statutory grounds of appeal, to the authority against the imposition of the penalty charge but that representations made outside the 28day period may be disregarded;
- (h) what are the statutory grounds of appeal;
- (i) the postal address to which representations are to be sent;
- (j) any email address to which representations may be sent as an alternative to the postal address;
- (k) that if at the end of the 28day period:
 - no representations have been made;
 - the penalty charge has not been paid, the authority may increase the penalty charge by a half and take steps to enforce payment of the charge as so increased;
- (l) the way the penalty charge may be paid;
- (m) that if the representations are rejected an appeal may be made on any of the statutory grounds of appeal may be made to an adjudicator in respect of a penalty charge;
- (n) that the recipient may, by notice in writing to the authority, request them:-
 - To make available at an office of theirs specified by him, free of charge and at a time during normal office hours so specified, for viewing by him and by his representative (if any), the record of the contravention produced by the approved device pursuant to which the penalty charge was imposed;

- to provide him, free of charge, with such still images from that record as, in the authority's opinion, establish the contravention.

A PCN is posted to the person appearing to them to be the owner of the vehicle or on the person appearing to them to be the person liable to pay the charge. All PCNs are to be issued before the end of the period of 28 days beginning with the date of contravention unless the information of the identity of the keeper of the vehicle has not been supplied by DVLA. An authority shall only continue to serve a penalty charge notice up to a maximum of six months from the detection date on the grounds this information has not come through. The PCN 'is deemed to be served' on the second working day after the PCN has been posted by first class post. Working Day is defined as any day which is not a Saturday, a Sunday, Good Friday, Christmas Day, or a bank holiday in England and Wales.

13. Representations

Formal representations can be made once the Penalty Charge Notice has been issued. The enforcing authority considers the representations and if it does not accept them, it issues a Notice of Rejection. There is a right of further appeal to the independent adjudication service (Traffic Penalty Tribunal)

A person who has received a PCN is entitled to view that section of the video recording or a still image showing the contravention for which the PCN was issued. Viewing of video recordings will be arranged in accordance with local procedures. Viewing of the video 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 or video medium may be supplied at no charge, as an alternative, in a situation where it is not possible to arrange a viewing of video evidence.

14. Guidelines for Appeals

Details of parking and bus lane adjudication are set out in the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005 and The Traffic Management Act 2004 s78; Civil Enforcement of Parking Contraventions (England) General Regulations 2007; Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007; The Road Traffic Regulations Act 1984 Sections 1, 2, 4 & (as amended);

The adjudication service requires that certain key information is provided by the Enforcement Authority.

The Appeal Form

An appeal form must be enclosed with every Notice of Rejection of Representations issued by an enforcing authority. The appeal form should allow the appellant or his authorised agent to sign and provide space for:

- The name and address of the appellant;
- Specify some other address as being the address to which he wishes documents to be sent to him in connection with the appeal;

- must state the name of the authority by which the decision to impose the charge was made and the date and reference number of the penalty charge notice concerned; and
- may include any additional representations on any of the statutory grounds of appeal that the appellant desires to make.

Evidence

The following items will be required as mandatory evidence by the Bus Lane Adjudication Service within seven days of the receipt of a copy of a notice of appeal:

- a) Copy of the Penalty Charge Notice
- b) Copies of the representations made to the authority in respect of the decision to impose the charge; and
- c) The Notice of Rejection.

It is also recommended that the enforcing Authority produce:

- d) The record produced by the approved device - 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 with an accompanying statement that it is a true copy and taken by an approved device. The video recording to be supplied to the Adjudicators must be in a type approved by the adjudication service.
- e) A Certificate as to the circumstances in which the record was produced, signed by a person authorised in that behalf by the authority. This certificate could take the form of 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.

The list above is not exhaustive and additional evidence may be requested by the Adjudication Service.

15. Availability of the Code of Practice

Copies of the Code of Practice should be available to the public where the scheme is being operated. It is recommended that the enforcing local authority publicise the code on the local authority's website and make it available in the nearest local public library to where the scheme is operating.

16. Review of the Code of Practice

The Code of Practice will be reviewed and changed if it is deemed appropriate or if requested by the 'Bus Lane Adjudication Service' Joint Committee.