

**Code of Practice for Operation of
CCTV Enforcement Cameras in the
(London/Royal/Borough/City) of
(borough)**

Version 3.2 – June 2006

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PART 1

1 INTRODUCTION

1.1 Background

1.1.1 Since 1999 the London Boroughs and Transport for London have been using CCTV cameras to enforce traffic regulations. The introduction of enforcement of traffic regulations by CCTV cameras is one 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.

1.1.2 An essential and integral part of any CCTV system is a Code of Practice, which sets out the objectives of the system and the rules by which it will be operated. This Code of Practice ensures that issues such as privacy, integrity and fairness are properly dealt with. It sets a minimum standard which must be adhered to by all those authorities in London enforcing traffic regulations using CCTV cameras to ensure public confidence in the scheme.

1.1.3 This Code of Practice is divided two parts. This part discusses the use and application of the code and Part 2 sets out the way in which enforcement of traffic regulations using CCTV cameras will be conducted.

1.2 Commitment and Responsibility

1.2.1 The ALG Transport & Environment Committee supports this Code of Practice and the CCTV monitoring scheme, which it regulates. Permission to operate the scheme will be granted only to London Local Authorities, which commit to, and take responsibility for its fair, legal and widespread implementation and to its maintenance, review and improvement as appropriate within this Code of Practice.

1.2.2 Within this overall framework for London individual Local Authorities will operate separate monitoring schemes in conjunction with the local Police and other partners. The addresses of the Authorities responsible for operating these particular schemes are given in Appendix 1 paragraph 1.

1.3 Code of Practice

Key Purpose of Code

1.3.1 This Code of Practice has been drawn up to ensure that the use of CCTV to monitor traffic is consistent throughout London 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 take place in accordance with the advice and guidelines issued by the Home Office, Police Scientific Development Branch, Local Government Association, Office of Data Protection Registrar, the Local Government Information Unit and the CCTV User Group.

Availability of the Code to the Public

1.3.2 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 many addresses throughout London – the most local are given at Appendix 1 paragraph 2.

Monitoring and Review of Code

1.3.3 The Operation of this Code will be regularly reviewed by each of the London Local Authorities operating CCTV monitoring. Each will prepare an annual report, which will be presented to the appropriate Cabinet Member or Committee within the Authority. These reports will be made available for public inspection at the address given in Appendix 1 paragraph 3.

1.3.4 The ALG Transport & Environment Committee will also monitor the scheme in respect of its wider operation across London and incorporate a review within the annual report of the Traffic Adjudicators.

Changes to Code

1.3.5 It is intended that this Code will be amended as necessary to ensure that it continues to reflect current best practices. Changes to the Code will be classified as minor and major. Any change, which affects more than one scheme and any change to this Code of Practice or to the type of equipment to be used in any scheme, constitutes a major change.

1.3.6 Minor changes may only be made after the agreement of senior representatives of all parties concerned in the operation of the local scheme concerned. Changes of nominated Officers and of Areas of Application are minor changes.

1.3.7 Major changes to the Code may only be made with the authority of the ALG Environment & Transport Committee.

Detailed Objectives of Code

1.3.8 The Code of Practice has been designed to meet the following detailed objectives: -

- To satisfy the community that the camera enforcement system is being operated competently and honestly by its operators
- To reassure the community over the privacy of private areas and domestic buildings
- To ensure that operating staff are aware of and follow the correct procedures in the case of an 'incident'
- To use cameras as a deterrent and improve driver compliance with traffic regulations
- To facilitate the detection and prosecution of offenders in relation to non-compliance with existing regulations
- To assist with achieving the key objectives of other town centre CCTV schemes operated by the local authority

Queries and Complaints about Code

1.3.9 Queries and complaints about this Code or its general operation should be sent to the address given in Appendix1, Paragraph 4.

1.3.10 Queries or appeals against any specific Penalty Charge Notice (PCN) shall be made to the address shown on that PCN. Further details appear in paragraph 2.4.13.

PART 2

2. THE OPERATION OF CCTV ENFORCEMENT CAMERAS

2.1 CCTV 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 The CCTV cameras operated by a local authority may be owned or leased by that authority or by Transport for London. The police may also have access to some of the CCTV cameras owned and/or operated by the local authority and Transport for London. Each authority may use the cameras for any of the purposes specified in paragraph 2.1.1.

2.1.3 This Code of Practice specifically relates to the use of 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 and control room procedures. Separate Codes of Practice exist covering the other purposes for which CCTV cameras are used.

2.1.4 Mobile or transportable cameras may also be temporarily sited 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.

2.2 The Legal Framework

Legislation governing the operation of CCTV systems

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

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

2.2.2 Part 2 of this Code of Practice sets out how 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 CCTV cameras is regulated under the following legislation:

- Road Traffic Regulation Act 1984
- Road Traffic Act 1991
- London Local Authorities Act 1996 (as amended)
- London Local Authorities Act 2000

- Statutory Instrument 2001 No 690 - The Transport for London (Bus Lanes) Order 2001
- London Local Authorities and Transport for London Act 2003

2.2.4 Together these Acts allow a London Local Authority to install structures and equipment on or near a highway for the detection of contraventions of the Traffic Regulation Orders contained in Appendix 2, and to use the information provided by them, to serve a Penalty Charge Notice (PCN) on the registered keeper of a vehicle which contravenes the Traffic Regulations. For bus lane contraventions, the equipment must be a prescribed device specified in an Order by the Secretary of State at the Home Office.

2.2.5 Operation of the system will also take full account of the Road Traffic (Parking Adjudicators) (London) (Amendments) Regulations 1998, which amends the Road Traffic (Parking Adjudicators) (London) Regulations 1993, and of all Regulations stipulating equipment, which is prescribed for this purpose.

2.2.6 Records of the keepers of vehicles, which contravene traffic regulations, will be obtained in accordance with the Driver and Vehicle Licensing Agency enquiry procedures.

2.2.7 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.

2.3 Enforcement of traffic regulations by CCTV camera

2.3.1 The primary purpose of the CCTV camera enforcement system ('the system') is to ensure the safe and efficient operation of the road network through the detection of contraventions of traffic regulations.

2.3.2 In order to deter non-compliance with Traffic Regulations the system enables fully trained staff: -

- to monitor traffic activity in accordance with this Code of Practice and so to deter violation of traffic regulations;
- to identify vehicle registration number, colour and type of unauthorised vehicles contravening traffic regulations;
- to support the serving of Penalty Charge Notices (PCNs) to the registered keeper of vehicles identified contravening the regulations;
- to record evidence of each contravention to ensure that representations and appeals can be fully answered;
- to 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;
- to enable the immediate despatch of a Parking Attendant and towaway truck for targeted enforcement of vehicles contravening traffic regulations.

2.3.3 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.

Areas Surveyed

2.3.4 The system may be used to survey any area of highway, on which there are parking and traffic restrictions.

Signs

2.3.5 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 is taking place in the area.

Description of Equipment

2.3.6 Visible CCTV cameras are securely fixed on rigid mountings at various locations from which they can survey selected Areas of Application. The cameras may belong to the operating borough or to Transport for London. All cameras conform, as a minimum, to standards of performance laid down by the ALG Environment & Transport Committee. Some cameras rotate through 360° and have zoom, pan and tilt capability.

For the avoidance of doubt, the cameras may be;

- 'Static' - permanently sited at a particular location
- 'Mobile' - can be moved from one location to another, this could include vehicle mounted cameras
- Of 'Analogue' or 'digital' image format.
- Hard-wired, networked or wireless networked.

2.3.7 Cameras are connected to a monitoring station by a secure data link. If a dedicated 'fixed' data link is not used, sufficient precautions must be taken to ensure the security of the data being transmitted by means of current, industry standard, data encryption or security.

2.3.8 The monitoring station allows the operator to select and view the output from any one of the available CCTV cameras in the system at any time and provides controls to pan, tilt and zoom that camera as necessary.

2.3.9 Concurrent twin video recordings are to be made of the camera output viewed by the operator. Recordings are to be made only on suitable data storage media at a sufficient frame rate, not less than 5 frames per second. For clarity this includes, but is not limited to, VHS tapes, DVD or digital HDD (hard disk drive) data storage. Each frame is timed (hours, minutes and seconds), dated and sequentially numbered automatically by the monitoring and recording equipment, which shall include a visual counter which resets to zero when the system is initially activated and increments by the selected frame rate every second.

One copy of the video recording is designated as the 'working video' recording and the other as the 'evidence video' copy.

If there is no physical 'tape' or 'disk' being held as the evidence video the system must ensure that one of the two copies of the recording is held securely, in an unalterable state or storage medium.

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

2.3.12 The equipment must be synchronised to the 'Rugby' atomic clock, or signal from 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.

2.3.13 A simultaneous 'voice over' recording may be made, providing the equipment allows a time mark from the atomic clock or similar, to confirm contemporaneous recording with the vision track.

2.3.14 If using videotapes, the Control Room must be equipped with degaussing equipment, which must be used to erase all records on a videotape. Tapes must be degaussed before reuse and before disposal. No tape may be degaussed and reused more than twelve times. Digital images should be securely deleted or physically destroyed (e.g. shredded) once they are no longer required.

Extensions and changes to the area surveyed

2.3.15 The operating London Local Authority can extend or change the areas covered by the CCTV system subject to normal internal procedures and following notification to ALG TEC.

2.3.16 Changes to the purpose of the system and to the type of equipment and data links used are major changes. They may only be made in accordance with the arrangements set out in Section 1 specifying how changes to the Code can be made.

2.4 Operation of the System

Monitoring of Traffic

2.4.1 The system will be operated for the purposes of enforcing traffic regulations. This Code of Practice applies to the use of the system for that purpose only.

2.4.2 Only properly trained and qualified operators (see section 2.9 - Operating Personnel) will operate the system. The first duty of an operator, at the beginning of a monitoring period, is to log on to the system.

2.4.3 If videotape is being used, the next duty is to draw two tapes from the available tape stock, degauss them if previously used and load them into the recording equipment. Alternatively, suitable digital recording media may be drawn from stock and loaded or allocated. The exact time and incremental counter reading will be noted at the start of recording and all other prescribed entries will be made, this may be automated by the system. All components of the equipment will be checked for correct function.

2.4.4 The operator will then start observation of the traffic switching between camera locations in accordance with enforcement plans. It is essential that the operator 'locates' the field of view on any tape or section of a tape on which a 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.

2.4.5 A contravention of traffic regulations will be identified, 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.

2.4.6 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 on a Control Room Log Sheet. An example of this document, which can also be used to record equipment faults, is included in Appendix 3.

2.4.7 The cameras used for the enforcement of traffic regulations may be used for more general street surveillance when traffic restrictions are not in operation by the Police, TfL or by CCTV systems operated by other Departments of the local authority.

2.4.8 When a contravention is observed and sufficient evidence has been recorded, the operator will record the time in hours (HH) and minutes (MM) and sufficient vehicle identifier information in the logbook or by utilising approved audio equipment (see 2.3.13). The operator will then continue monitoring. An example of the layout for a Camera Enforcement logbook is included in Appendix 4.

2.4.9 At the end of the monitoring period the operator will record the exact time and final incremental number and, if videotape, DVD or CD-R is being used;

- remove the 'evidence' tape or disc;
- seal the 'evidence' tape or disc in an evidence bag or with a security tag;
- lock the evidence in secure storage.

Issue of Penalty Charge Notices (PCNs)

2.4.10 The operator will use the contemporaneous record, or tags on the digital record, to identify the sections of the 'working' video recording, which contain possible contraventions.

2.4.11 Each contravention will be reviewed on the working video to decide whether it is clear and indisputable. Appropriate details of the vehicle and circumstances involved in clear and indisputable contraventions are recorded, and registered keeper details obtained. A PCN is then sent to the registered keeper.

2.4.12 All PCNs are to be issued within 14 days of the contravention and should be sent by first class post. The PCN is deemed to have been served when it would be delivered in the ordinary course of post.

Representations

2.4.13 With regard to parking and bus lane contraventions, formal representations specifically concerned with the issue of any Penalty Charge Notice (PCNs) from this system can only be made once the Notice to Owner or Enforcement Notice has been issued to the keeper of the vehicle. An Enforcement Notice will seek details of any Police Notice of Intention to Prosecute (NIP), which may have been issued in relation to the same alleged infringement. With regard to moving traffic contraventions formal representations can be made once the Penalty Charge Notice has been issued to the keeper of the vehicle.

2.4.14 In all cases, the enforcing authority considers the representations and if it does not accept them, issues a Notice of Rejection. If the keeper is not satisfied by this outcome, there is a right of further appeal to the independent Adjudicators at the Parking and Traffic Appeals Service (see section 2.6 – Guidelines for Appeals).

2.5 Retention and use of evidence

Operator evidence

2.5.1 The operator's observation of a contravention is the primary evidence of that contravention of which the video captured is the physical copy of the operators view of the contravention as it occurred. The issued Penalty Charge Notice is the enforcing authority's declaration that a clear and undisputable contravention has been observed. All records made during a monitoring period are retained in secure storage.

Recorded video evidence

2.5.2 Recorded video evidence is retained to support the primary evidence supplied by the operator. All observations are concurrently recorded on twin video recordings. One video recording is known as the 'evidence video' and the other the 'working video'. All video-recordings regardless of format must be individually numbered for unique identification.

If a videotape, DVD or CD-R is being used for the 'evidence video'

2.5.3 The evidence video will only be removed from its secure storage if;

- it is required for adjudication evidence
- it is no longer required for evidential purposes

2.5.4 An audit log will be kept to track the movement of all evidential media. A record commences at the point that the monitoring begins, and ends when the media is released from secure storage to be degaussed/deleted/destroyed.

2.5.5 An evidence video is released for reuse when all contraventions recorded on it have been fully and finally settled.

If a digital storage medium is being used for the 'evidence video'

2.5.6 The system must ensure that the 'evidence video' of the two recordings is held separately, securely and can only be accessed by authorised personnel. An audit log will be kept to track the movement of all evidential media. A record commences at the point that the monitoring begins, and ends when the media is released from secure storage to be degaussed/deleted/destroyed.

Use and storage of the 'working video'

2.5.7 At the end of each recording period the 'working video' recording is used to review the potential contraventions identified by the operator. Thereafter the recording is placed in secure storage. The 'working video' recording will only be removed from storage for the following purposes: -

- to generate still images or on screen prints or photographs;
- for viewing by authorised processing staff when considering representations and appeals;
- for viewing under strictly controlled conditions as defined in paragraph 2.5.15;
- for copying or release to third parties under the circumstances defined in paragraph 2.5.10;
- for monitoring purposes to obtain statistics on the performance of the scheme;
- for the purpose of additional monitoring.

2.5.8 A complete record is kept of the movement and viewing of every 'working video' recording. This begins when the tape, or disc, is placed in the recorder prior to a monitoring period, covers all uses and ends when it is released from secure storage and magnetically erased prior to reuse or destruction. In the case of digital storage medium it begins from the time the operator 'logs-on' to the system at the start of a monitoring period and ends when the video recording is deleted.

2.5.9 A 'working' recording is released for reuse, or destruction, when all contraventions recorded on it have been fully processed. In the case of digital images these should be securely deleted once they are no longer required.

Ownership, copying and release of recordings

2.5.10 All recordings are the property of the Authority operating the scheme and may not be copied or released from the Control Room or from secure storage without the formal written agreement of the Senior Officer nominated in Appendix 1 paragraph 5. A copy of the section of a working video recording, relevant to a particular contravention, will only be released: -

- To the Parking and Traffic Appeals 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
- In the case of VHS video, to be magnetically erased and properly disposed of after twelve cycles of use.

2.5.11 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. Recordings (and copies of recordings), which are released, remain the property of the Local Authority. 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. A detailed record must be kept of the recording (or section of it) that has been released and the reason for its release.

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

2.5.13 Under no circumstances will recordings be released to members of the public, except as per section 2.5.15 below, or to media or other commercial organisations.

2.5.14 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 the operating Authority.

Viewing of video tapes or other recording medium

2.5.15 A person who has received a PCN or the keeper of the vehicle is entitled to view that section of the video recording showing the contravention for which the PCN was issued. Viewing of videotapes, or other recording medium, will only be arranged following formal agreement of the Senior Officer nominated in Appendix 1 paragraph 5. 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 may be supplied at no charge, as an alternative, in a situation where it is not possible to arrange a viewing of video evidence.

2.5.16 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 in paragraph 2.5.5 above
- as part of internal audit, review or disciplinary procedures
- as part of the training process for control room staff.

2.5.17 Viewing will only take place in a secure viewing area. It will be supervised by properly qualified Control Room staff. Only the 'working video' recording will be viewed. 'Evidence video' recordings will not be viewed.

2.5.18 The person supervising the viewing must enter full details of the event in the Control Room Records including: -

- time, date and location of viewing
- the serial numbers of all tapes or discs viewed, the sections of those tapes or discs which were viewed (using the start and finish frame numbers) if applicable.
- the reasons for viewing each tape or disc
- details of the people present at the viewing.

In the case of digital storage media it is sufficient for the system to log, with the video image;

- time, date and location of viewing
- the reasons for viewing
- details of the people present at the viewing.

2.5.19 The event will also be entered into the individual history of each video recording viewed.

2.5.20 These records should be subject to regular audit, at least once a year, by officers specified in Appendix 1, paragraph 7.

Still Images

2.5.21 A still image may be supplied to a person who has received a PCN to support that PCN. A copy of the still image may be supplied at the same time that the PCN is issued. A still image may be supplied as an alternative to viewing video evidence, following formal agreement of the Senior Officer named in Appendix 1, paragraph 5. No charge is to be made for supplying the image. The image then becomes the property of the person who received the PCN. All other still images will remain the property of the operating Authority.

2.5.22 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 its unique frame number and the time (HH MM SS) and date (DD MM YY – or similar format) of the occurrence.

2.5.23 Still images will only be generated at the discretion of the Senior Officer named in Appendix 1 paragraph 5 and only for the following purposes;

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

2.5.24 Each still image will be given a unique serial number and will be logged and accounted for at all times. Still images will only leave the Control Room when requested by the recipient of the relevant PCN or signed out as evidence in the possession of the Police or other organisation listed in paragraph 2.5.5.

2.5.25 Still images may not be copied or released from the Control Room without the formal written agreement of the Senior Officer nominated in Appendix 1 paragraph 5.

2.5.26 Still images, which are no longer required, are to be destroyed in the Control Room and the destruction of each image will be recorded in the Control Room records.

2.5.27 The procedure for production, release and destruction of still images will be subject to regular audit.

2.6. Guidelines for Appeals

The Appeal Form

2.6.1 An appeal form must be enclosed with every Notice of Rejection of Representations issued by an enforcing authority.

2.6.2 The official use box must be completed by an authorised official of the enforcing authority. This must state the PCN No, the Vehicle Registration Number, the name of the keeper 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.

Evidence

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

- a) Authorised Officer Witness Statement - 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. Examples of Authorised Officer Witness Statements that should be used for bus lane contraventions and parking contraventions are included in Appendices 5 and 6 respectively. The Authorised Officer Statement also includes details of the evidence that is being produced (e.g. stills from video recording) and confirmation that these were produced in accordance with the Code of Practice. In order for the Authorised Officer to sign the declaration reference should be made to the Control Room Log Sheet to determine the status of the equipment at the time at which the contravention was witnessed. An example of a Control Room 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) Copy of the Enforcement Notice (where applicable)
- e) Copies of any representations made and all correspondence
- f) Copy of the Notice of Rejection
- g) Colour Images of the Offence - 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. 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 the Head of the Traffic Adjudicators Office, however, the video for the appellant must be in VHS format or other 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 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.
- h) Certificate of Service - The evidence submitted to the Traffic Adjudicators must be accompanied by a certificate confirming that the appellant has been

sent copies of the evidence submitted to the Adjudicator not less than 7 days before the hearing (as required by schedule 1, section 7 (6) of the LLAA 1996). Adjudicators have also indicated that this requirement is in line with the requirements of Article 6 of the Human Rights Act 1998. The evidence copied to the appellant must be in the same format as that submitted to the adjudicator

2.6.4 The list above is not exhaustive. As in any case before the Traffic Adjudicators, the Adjudicator may ask for other forms of evidence not mentioned above. The Councils will be given at least 21 days notice to submit evidence for Appeals. The evidence must be with the Traffic Adjudication Office 7 days before the hearing date.

Adjournments

2.6.5 The Adjudicators have indicated that they will usually allow one 14 days adjournment of a postal case. They have therefore delegated authority to the Proper Officer's staff to deal with such requests, which should be sent in writing to the Parking and Traffic Appeals Service. Applications for adjournments for longer periods for postal cases or for personal cases must be made in writing with reasons to the Adjudicator.

Witness Attendance at an Appeal Hearing (Bus Lane Appeals)

2.6.6 Paragraph 7 (6) of Schedule 1 of the London Local Authorities Act 1996 relating to bus lane contraventions, states that documentary evidence as described above will not be admissible if the appellant, not less than 3 days before the hearing (or such other time specified by the Adjudicator) serves a notice on the Council requiring attendance at the hearing of the person who signed the document. The Adjudicators have taken this to mean that if the appellant does not accept such evidence as provided in written or photographic format by the Council, and if the Council wishes to proceed with the appeal, the person who provided the evidence may have to attend the hearing. The Council must inform the appellant that he/she can require the attendance at the hearing of the person who signed the Authorised Officer Witness Statement. The Adjudicator may also direct the attendance of a witness at a hearing if he considers it necessary. A copy of the suggested wording, which should be used to inform the appellant that they have the opportunity to request the attendance of the person signing the Authorised Officer Witness Statement, is included in Appendix 7. This paragraph should be included in the Notice of Rejection sent to the Appellant. This requirement only applies to bus lane appeals and does not apply to appeals for parking contraventions.

2.7 Security of Operations

2.7.1 The CCTV traffic monitoring operations will be carried out in a secure and lockable Control Room.

2.7.2 All monitoring, recording and control equipment will be located in this room. All 'evidence' and 'working' recordings witness statements and other records will be stored in secure and locked cabinets within this room or other secure environment.

2.7.3 Visitors may only access the Control Room when authorised by the Senior Officer named in Appendix 1 paragraph. 6.

2.7.4 A logbook will be maintained in the Control Room in which details of all events and visits will be entered.

2.7.5 If the Control Room is left unattended for any time or for any interval, no matter how short, the tape, 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.

2.7.6 Technical, maintenance and repair work will only be carried out under the supervision of a responsible officer of the Borough.

2.8 Procedures Manual

2.8.1 A Control Room Procedures Manual listing duties, responsibilities and procedures to be followed will be available in the Control Room 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 7.

2.9.2 All staff operating the system will be responsible for working in full accord with this Code of Practice and the Control Room Procedures Manual. They will be subject to their employer's normal disciplinary procedures and will sign an acknowledgement that they have been trained in and understand the Code of Practice and the Procedures Manual. Breaches of this Code of Practice or of the Procedures will result in disciplinary action.

Selection and Training

2.9.3 All personnel permitted to operate the System will be selected in accordance with the Employer's Standard Recruitment Procedures for personnel who are obliged to work to rules of confidentiality.

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

2.9.5 All staff undertaking enforcement of traffic regulations using CCTV cameras must have successfully completed an approved training course. A list of the courses that have been approved for this purpose is contained in Appendix 9.

2.9.6 Training will include: -

- all aspects of this Code of Practice
- all aspects of Control Room Procedures
- all aspects of equipment operation
- system audit procedures

- issue of PCNs
- knowledge of the areas of application in the Borough
- the necessary underpinning knowledge of Traffic Law
- Health & Safety

2.9.7 Full records of training and of assessments of competence will be kept according to the Employer's Standard procedures.

2.9.8 Operators will only be permitted to operate the system unsupervised when they have proved their competence according to the Employer's Standard Procedures.

Appendix 1

Particulars of Operating Authorities

- 1 **Authorities responsible for the Scheme in the London Borough of
(Borough Name)**

London Borough A Metropolitan Police Other

**Authority with Overall Responsibility for CCTV Enforcement throughout
London: ALG Transport & Environment Committee**

- 2 **Local Addresses at which the Code of Practice can be inspected**

Town Hall, Library, Police Station

- 3 **Addresses at which the Annual reports on the scheme may be inspected**

Town Hall, Library

- 4 **Address to which queries and Complaints about the scheme should be
sent**

Town Hall

- 5 **Senior Officer who can authorise copying and release of tapes**

Assistant Director

- 6 **Senior Officer who can authorise access to Control Room.**

Name

- 7 **Officers responsible for operation of the system and observance of the
Code of Practice:**

**Overall responsibility
(Name)**

**Responsibility for day to day operations
(Name)**

**Responsibility for Training
(Name)**

- 8 **Address at which the CCTV monitoring Code of Practice may be inspected.
(Address)**

Appendix 2

Traffic Regulation Orders relevant to this Scheme

<u>Name of Traffic Regulation Order</u>	<u>TMO Ref. No</u>
e.g. <u>The Newham (Bus Lanes) (No.1) Traffic Order 1999</u>	<u>TMO 1</u>
e.g. <u>The Newham (Waiting and Loading Order) Traffic Order 1997</u>	<u>TMO2</u>

<u>Length of Road</u>	<u>TMO Ref. No.</u>	<u>Appendix Number</u>
e.g. High Street , south east side, between its junction with King Street and a point 5 metres south-east of the north eastern kerbline of Abbey Street	TMO 1	1
e.g. Frith Street , north west side between a point.....	TMO 1 TMO 2	1 3

Signature.....

Appendix 5

Authorised Officer Witness Statement (Bus Lane Contraventions)

[Appellant] v [Council]
PATAS 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:

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 of a type approved by the Secretary of State for the purposes of paragraph 7 of the London Local Authorities Act 1996 (as amended);
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.....

Appendix 6

Authorised Officer Witness Statement (Parking Contraventions)

[Appellant] v [Council]
PATAS 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:

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 under Section 3 of The Road Traffic Offenders (Additional Offences and Prescribed Devices) Order 1997;
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.....

Appendix 7

Suggested wording to be included in the Notice of Rejection for bus lane appeals to notify appellant of their right to request the attendance of the person signing the Authorised Officer Witness Statement

“If you appeal, we will send you a copy of all our evidence as soon as possible. We must provide you with a copy of any video, photograph or digital image that we want the Traffic Adjudicator to consider, at least seven days before the scheduled date of the hearing. We must also send you a certificate as to the circumstances in which the video etc was produced and another that the device used to produce it was approved by the Secretary of State. These certificates will normally be fairly standard. However if you serve a notice on us, not less than three days before the hearing date, we cannot rely on such evidence without the person(s) who signed them attending. The three-day limit may be varied by the Traffic Adjudicator in special circumstances.”

Please note that this notification is only required for bus lane appeals and is not required for appeals for parking contraventions.

Appendix 8

Glossary of Terms

The Code of Practice refers to the following terms:

Agency	<p>An Agency is an organisation responsible for implementing a CCTV Camera Scheme and or CCTV Camera System.</p> <p>Each Agency can be responsible for one or more CCTV Camera Schemes and one or more Camera Systems.</p> <p>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).</p>
CCTV Camera	<p>A Closed Circuit Television (CCTV) Camera is a method of capturing CCTV Camera Images.</p>
CCTV Camera Image	<p>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.</p>
CCTV Camera System	<p>A CCTV Camera System is the infrastructure that is used to implement a CCTV Camera Scheme.</p> <p>One CCTV Camera System can be used by more than one CCTV Camera Scheme.</p>
CCTV Camera User	<p>A CCTV Camera User is a person who gathers CCTV Camera Images for the purpose of their contractual employment.</p> <p>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.</p>
CCTV Scheme Operator	<p>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.</p> <p>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).</p> <p>A CCTV Scheme Operator can be responsible for one or many specified CCTV Camera Schemes.</p>
Data Controller	<p>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.</p> <p>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.</p> <p>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.</p> <p>The Data Controller may differ from the CCTV Scheme Operator. At any given time there may be none or several Data Controllers.</p>

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.
Personal Data	Data which relates to a living individual who can be identified: (a) from those data, or (b) from those data and other information which is in the possession of, or likely to come into the possession of, the Data Controller, and included any expression of opinion about the individual and indication of the intentions of the Data Controller or any other person in respect of the individual.
Searching / Hunting	The process of using a CCTV Camera without due cause. The CCTV User may be either looking for something to view or capturing a CCTV Image for personal use. CCTV Camera Users must not use CCTV Cameras for the purpose of Searching / Hunting.
Video	The visual portion of a transmission, the system of recording, reproducing, or broadcasting moving visual images.

Appendix 9

ALG TEC approved training courses for CCTV operators

Course title	Training providers	Date of Approval
BTEC Level 2 Intermediate Award in CCTV Camera Enforcement	London Borough of Croydon, London Borough of Camden	December 2003
CCTV Traffic Enforcement BTEC Unit (Anyone taking this training course will have to have already successfully completed TAVCOM's CRO1 and CRO2 modules which provide them with control room operators training.)	TAVCOM	August 2004
VINCI Park CCTV Enforcement Training Programme	VINCI Park	January 2006