

## **WIRRAL COUNCIL**

### **AUDIT & RISK MANAGEMENT COMMITTEE – 23 SEPTEMBER 2009**

#### **REPORT OF THE DIRECTOR OF TECHNICAL SERVICES**

##### **USE OF SMART CCTV ENFORCEMENT VEHICLE**

### **1. EXECUTIVE SUMMARY**

- 1.1 This report describes the use by the Technical Services Department of the mobile CCTV enforcement vehicle (Smart car) to detect parking contraventions. The Audit and Management Committee requested the report on 29 June 2009.
- 1.2 The report recommends that Members note the use by the Director of Technical Services of the mobile CCTV enforcement vehicle (Smart car) for traffic and parking enforcement purposes and endorse the CCTV Enforcement Code of Practice appended to the report.

### **2. BACKGROUND**

- 2.1 At the meeting of the Audit and Risk Management Committee on 29 June 2009 the issue of the recent use of a Smart car surveillance vehicle was raised, it was resolved that *“a full report be presented to the next meeting of the committee in relation to the guidelines and control measures in place for the use of the vehicle, and to include information as to where images will be stored and for what purposes they are gathered”*. This report is the result of that resolution.
- 2.2 The powers to undertake civil parking enforcement were granted to Wirral Council in 2003 through the Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of Wirral) Order 2003 and the Road Traffic Regulation Act 1991. Since that time the Director of Technical Services has had delegated authority to undertake parking enforcement on behalf of the Authority. In common with many other highway authorities, Wirral contracts out the provision and deployment of enforcement officers to an external service provider.
- 2.3 On 31st March 2008 Part 6 of the Traffic Management Act 2004 (TMA) was enacted to replace the Road Traffic Regulation Act 1991. This new legislation introduced a two-tier level of parking penalty and gave authorities further powers in relation to parking enforcement. Reports to Cabinet in November 2007 and March 2008 detailed the main principles and changes that would result from the enactment of Part 6 of the TMA.
- 2.4 One of the many changes introduced with the TMA was the powers given to authorities to issue penalty charge notices by post and also to

undertake enforcement through the use of an approved device ie CCTV camera. An approved device includes the complete system of camera, recording and playback equipment, software and hardware.

- 2.5 In November 2008 the Council extended its contract with its enforcement service provider and as part of the contract renewal negotiations was offered the use of a mobile CCTV vehicle at no additional cost to the Authority. Through its enforcement service provider Wirral subsequently sought approval for the use of a mobile CCTV enforcement vehicle (Smart car), as an approved device, from the Home Office and the Secretary of State approved this on 23 February 2009. The CCTV enforcement vehicle has been used for parking enforcement purposes regularly since 31<sup>st</sup> March 2009.

### **3. REPORT - CCTV ENFORCEMENT**

- 3.1 Enforcement by an approved device is governed by a number of regulations and guidance documents that support the TMA 2004. This is set out minimum standards for procedures and processes and to ensure the system is operated fairly and with proportionality and integrity. In addition to this local authorities must produce and work to local policies; these include a parking enforcement strategy, operational procedures and a code of practice.
- 3.2 Together these documents should set out in detail the aims, priorities and procedures for undertaking CCTV parking enforcement. The current Parking Enforcement Policy was considered and approved by Cabinet in March 2008 and sets out the principles for parking enforcement across the borough, it also states that CCTV enforcement may be used in the following circumstances: *“cameras may be used in places where enforcement is difficult or sensitive such as school entrance markings and locations where a high turnover of persistent, but generally short duration parking, creates traffic problems but are difficult or not practical to enforce by conventional means”*.
- 3.3 Since the powers to undertake CCTV enforcement were enacted a list of potential locations for enforcement has been produced. These are locations that have proven, over almost five years of enforcement, to be difficult or impractical to enforce with any reasonable level of success, by conventional means. In this context success is measured by there being a reasonably high level of compliance with the restrictions in force. Included in this list are sensitive locations - these are locations which may have a known history of road traffic accidents, locations near to high generators of vulnerable road users (ie children) and some busy shopping areas which rely on roadside deliveries and are affected by persistent short duration parking. Typical locations therefore include school entrance zig zag markings, pedestrian crossing zig zag markings and some local and town centres shopping streets.

3.4 The complete CCTV operation is undertaken under the principles contained within an Enforcement Code of Practice (CoP) and following the CCTV enforcement procedures manual. The CoP sets out aims, key principles and minimum standards, and the procedures manual details how the system will be used to comply with the CoP. The purpose of the CoP is to ensure that the public can be confident that the system is being used only for its intended purpose and with due regard for privacy, data protection, confidentiality and fairness. Included in the document are standards for equipment, systems, personnel, training, use of cameras, recording and viewing, security, integrity, document release and retention. A copy of the Code of Practice is appended to the report and some of the key principles are detailed below.

- Only devices specifically and individually approved for parking enforcement by the home office will be used. For Wirral the only approved device is the CCTV Smart car system.
- Personnel involved in recording CCTV contraventions, reviewing cases or considering appeals must be authorised and correctly trained for such purposes.
- Equipment, data and images will be securely managed so that only authorised users will have access.
- Physical data such as CDs, DVDs, tapes etc will be kept in secure and controlled environments. Data held on electronic systems will only be available to authorised users and password protected.
- Records will be maintained and kept of all data stored, accessed, copied, viewed or destroyed.
- All persons operating CCTV cameras will be enhanced level CRB checked.
- CCTV equipment may only be used for traffic/parking enforcement purpose, unless expressly permitted for other uses under other legislation. For example the CCTV enforcement vehicle system could only be used for covert surveillance following a RIPA authorisation, and its potential use for such purposes is likely to be limited due to the very overt nature of the vehicle and recording equipment.
- In normal use the cameras may only record images directly associated with traffic enforcement and must not search for, view or record any other persons or property.

- 3.5 Wirral is currently one of a small number of authorities outside London to have Secretary of State approval for CCTV parking enforcement (London boroughs operate under different legislation), and as a consequence the CoP and Procedures Manual have been evolving documents during the initial period of the scheme operation. The CoP as appended is considered to be a final document and has been produced having due regard for the legislation and statutory guidance. The CoP will still be regularly reviewed and may be amended in accordance with the procedures laid down within the document.
- 3.6 The Smart CCTV enforcement vehicle has been provided by NSL for use on the Wirral contract. It is based upon a standard Smart car and has been modified to provide a mobile CCTV control room including cameras, recording and playback equipment. All equipment is commercial quality and meets home office standards for enforcement purposes: this is to ensure integrity of data and to prevent misuse. The main camera is turret mounted and can extend to a maximum height of 4.5m (15 feet) above ground level - a similar height to someone standing on the upper deck of a double deck bus. This camera has full tilt, pan and zoom facilities. Secondary cameras are also mounted in the vehicle at window level and may also be used for enforcement purpose although the field of view is obviously much more restricted.
- 3.7 Although the Code of Practice is appended, I have summarised below how the CCTV vehicle is used in practice on a day-to-day basis.
- 3.8 A rolling programme of locations has been compiled for enforcement. During school term times, the vehicle will visit schools with enforceable entrance markings, at start and finish times, as determined by the Road Safety Unit in partnership with the schools and the Police. Outside of these periods the vehicle will visit approved locations across the borough, to enforce yellow line and pedestrian crossing restrictions. The enforcement contractor in response to local traffic conditions and instructions from the Council will determine the exact frequency and duration of these visits.
- 3.9 Before commencing enforcement traffic signs will be erected either end of the enforcement location to advise motorists of the presence of the CCTV camera, this is in addition to the on-vehicle markings and the existing road markings and signs. The CCTV operator in the vehicle will monitor traffic conditions and capture on video instances where it is believed a contravention has occurred, a manual log of all events is also kept. All recordings automatically stamp information such as date, location, time, frame number etc onto the video images captured. At the end of a shift two sets of data are removed from the vehicle one is the evidence copy and the second a working copy. The evidence copy is a complete recording of everything the camera has captured, it is sealed and securely stored. This copy will not normally be used again but is retained as a backup and for future evidential purposes. The

working copy contains only snapshots or clips of video containing images of contraventions that have occurred.

- 3.10 At the Enforcement Control Room, located in Cheshire Lines Building the working copy together with the event log is used to review the contraventions and to load the case data onto the parking enforcement management system. This is the same system used for conventional enforcement. In addition to inputting data about the date, time, vehicle, location and the contravention a number of still photo images (typically three) are produced from the working video and also loaded on to the case. The working copy video is sealed and securely stored; this copy may be used again, for example when considering an appeal.
- 3.11 A DVLA enquiry is undertaken to ascertain the registered keeper details for any vehicle seen to be in contravention and a Penalty Charge/Notice to Owner is sent to them by first class post, the PCN contains images of the contravention. This usually occurs within a couple of days of the contravention being recorded but must be within 14 days of the event. A motorist who receives a penalty charge has 21 days to pay at the discount rate (7 days more than for a conventionally served penalty) or 28 days to appeal. From this point onwards the process of appeals, payments and debt recovery are the same as for conventionally served penalty charge notices.
- 3.12 Motorists may request to see further images or view video footage if they appeal. Other members of the public could request to view footage if they have reason to believe they may have been captured on video. The release of images for viewing in these circumstances is subject to strict controls to ensure only data specifically and directly related to the person making the request can be viewed.

#### **4. FINANCIAL AND STAFFING IMPLICATIONS**

- 4.1 There are no specific financial or staffing implications arising directly from this report.

#### **5. EQUAL OPPORTUNITIES IMPLICATIONS**

- 5.1 The mobile CCTV enforcement vehicle (Smart car) is intended for traffic and parking enforcement purposes. It is operated in an overt manner and may only view and record images of the comings and goings of traffic and any contraventions occurring - such images would be visible to most other users of the public highway.

#### **6. PLANNING IMPLICATIONS**

- 6.1 There are no specific planning implications arising directly from this report.

## **7. COMMUNITY SAFETY IMPLICATIONS**

- 7.1 The use of CCTV enforcement enables the Council to undertake enforcement in locations that have proven difficult or impossible by more conventional means. In particular the programme of school entrance marking enforcement in partnership with the Police, schools and the Road Safety Unit should have a significant effect in changing driver behaviour in these locations.

## **8. HUMAN RIGHTS IMPLICATIONS**

- 8.1 This report and the appended Code of Practice have been produced with due regard for human rights, data protection, access to information and surveillance legislation and guidance.

## **9. LOCAL AGENDA 21 IMPLICATIONS**

- 9.1 There are no specific Local Agenda 21 implications arising directly from this report, however, effective enforcement can improve the quality of life of those affected by intrusive or dangerous parking.

## **10. ANTI-POVERTY IMPLICATIONS**

- 10.1 There are no specific anti-poverty implications arising directly from this report.

## **11. SOCIAL INCLUSION IMPLICATIONS**

- 11.1 There are no specific social inclusion implications arising directly from this report.

## **12. ACCESS TO INFORMATION ACT**

- 12.1 No background papers have been used in the preparation of this report.

## **13. LOCAL MEMBER SUPPORT IMPLICATIONS**

- 13.1 This report has implications for all wards.

## **14. RECOMMENDATIONS**

- 14.1 Committee is requested to:

(1) Note the content of this report

(2) Endorse the appended Enforcement Code of Practice.

**DAVID GREEN, DIRECTOR  
TECHNICAL SERVICES**