

Code of Practice for Operation of CCTV Enforcement Cameras

Birmingham City Council

CONTENTS

1. **INTRODUCTION**
 - 1.1 **Background**
 - 1.2 **Code of Practice**
2. **THE OPERATION OF MOBILE CCTV ENFORCEMENT CAMERAS**
 - 2.1 **Mobile CCTV Camera Enforcement**
 - 2.2 **The Legal Framework**
 - 2.3 **Enforcement of traffic regulations by Mobile CCTV camera**
 - 2.4 **Operation of the System**
 - 2.5 **Retention and use of evidence**
 - 2.6 **Guidelines for Appeals**
 - 2.7 **Security of Operations**
 - 2.8 **Procedures Manual**
 - 2.9 **Operating Personnel**

APPENDICES

1. **Particulars of Birmingham City Council**
2. **Criteria to identify problem areas**
3. **Camera Enforcement Contravention Log**
4. **Sample Authorised Officer Witness Statement (Parking Contraventions)**
5. **Parking Contraventions for CCTV Enforcement**
6. **Enforcement Vehicle**
7. **Glossary of Terms**

PART 1

1 INTRODUCTION

1.1 Background

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

1.1.2 The Traffic Management Act (TMA) (2004) has provided a solution to this on going issue by permitting the use of Mobile CCTV vehicles to enforce the kind of contraventions mentioned above. Paragraph 50 of the Department For Transport (Dft) TMA 2004 The Secretary Of State's Statutory Guidance To Local Authorities On The Civil Enforcement Of Parking Contraventions states that: The primary objective of any camera enforcement system is to ensure the safe and efficient operation of the road network by deterring motorists from breaking road traffic restrictions and detecting those that do. To do this, the system needs to be well publicised and indicated with lawful traffic signs.

1.1.3 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 The City Council for enforcing traffic regulations using mobile CCTV cameras to ensure public confidence in the scheme.

1.1.4 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 mobile CCTV cameras will be conducted.

1.2 Code of Practice

Key Purpose of Code

1.2.1. This Code of Practice has been drawn up to ensure that the use of mobile CCTV to enforce traffic contraventions is consistent across the City Council and in accordance with current best practice used by many other Local Authorities. The Code ensures that issues such as privacy and integrity are properly respected. The use of mobile CCTV for mobile parking enforcement in public places must take place in accordance with the advice and guidelines issued by the Home Office, Police Scientific Development Branch, Local Government Association and Office of Data Protection Commissioner.

Availability of the Code to the Public

1.2.2 Copies of this Code of Practice can be inspected at Parking Services, 1, Lancaster Circus Queensway, Birmingham. B4 7DJ or on the Council website at www.Birmingham.gov.uk

Monitoring and Review of Code

1.2.3 The Operation of this Code will be regularly reviewed by Birmingham City Council and an annual report will be presented to the Executive Member for Environment & Culture Directorate. This report will be made available for public inspection at the address given above at 1.2.2.

Changes to Code

1.2.4 It is intended that this Code will be amended as necessary to ensure that it continues to reflect current best practices.

Detailed Objectives of Code

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

- To satisfy the community that the mobile 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 gathering evidence and identifying parking contraventions;
- 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.

Queries and Complaints about Code

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

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

PART 2

2. THE OPERATION OF MOBILE CCTV ENFORCEMENT CAMERAS

2.1 Mobile CCTV Camera Enforcement

2.1.1 This Code of Practice specifically relates to the use of mobile CCTV cameras when they are being used to enforce traffic regulations. It is supplemented by a procedural manual containing specific instructions on the use of the camera and recording equipment. Separate Codes of Practice exist covering the other purposes for which CCTV cameras are used.

2.1.2 Mobile or transportable cameras may be temporarily sited within an area for the purposes of the enforcement of Traffic Regulations Orders (TROs) The use of such cameras will be governed by this Code of Practice and any procedures ancillary to it.

2.2 The Legal Framework

Legislation governing the operation of CCTV systems

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

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

2.2.2 Part 2 of this Code of Practice sets out how mobile CCTV camera enforcement operations will be undertaken to ensure they comply with the requirements of the Data Protection Act 1998, Legislation governing the enforcement of traffic regulations using CCTV cameras

2.2.3 The enforcement of traffic regulations by mobile CCTV cameras is regulated under the following legislation:

- Road Traffic Regulation Act 1984

- Road Traffic Act 1991
- Traffic Management Act 2004

Any reference to any enactment or statutory provision above is deemed to include a reference to the latest version of that enactment and any subordinate legislation.

2.2.4 Together these Acts allow Birmingham City Council to:-

- install structures and mobile equipment on or near a highway for the detection of contraventions of Traffic Regulation Orders,
- use the information provided by them, to serve a Reg 10 PCN on the registered keeper of a vehicle which contravenes the Traffic Regulations,
- issue Reg 10 PCNs for contraventions detected with a camera and associated recording equipment,

The Secretary of State must certify any type of device used solely to detect contravention (i.e. with no supporting CEO evidence) or when used to support the evidence of a CEO, once certified they may be called an ‘approved device’.

2.2.5 Operation of the system will also take full account of 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

2.2.6 Records of the keepers of vehicles, which contravene TROs, 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 mobile CCTV camera

2.3.1 The primary purpose of the mobile CCTV camera enforcement system (‘the system’) is to ensure the safe and efficient operation of the road network through the detection of contraventions of TROs.

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

- monitor traffic activity in accordance with this Code of Practice and so to deter violation of TROs;

- identify vehicle registration number, colour and type of unauthorised vehicles contravening traffic regulations;
- support the serving of Reg 10 PCNs to the registered 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 stopping to be produced for adjudication or as information to the owner of such vehicles.

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 restrictions and TROs which take into account criteria for identifying 'Camera enforcement at Problem areas' see appendix 2.

Signs

Description of Equipment

2.3.5 The mobile CCTV system used will be an approved system mounted in a fully liveried vehicle. The vehicle will be liveried with the Birmingham City Council logo, and clearly marked as a camera enforcement vehicle. (Appendix 6)

2.3.6 The system used will be certified by the Secretary of State as an 'approved device', suitable and permitted for civil parking enforcement. In order to achieve approved status the device (the camera and recording system) must satisfy certain requirements including:

- A camera which is connected by secure data links to a recording system.
- A camera which is capable of producing, in one or more pictures, a legible image (or images) of the vehicle in relation to the contravention, registration mark and enough of the location to show the circumstances of the contravention.
- A recording system in which recordings are made automatically from the output from the camera; which is secure and reliable and which records at least 5 frames per second.

- A recording system which enables each frame of all captured images to be timed in hours, minutes and seconds and which is dated and sequentially numbered automatically.

2.3.7 Concurrent twin recordings are to be made of the camera output viewed by the operator in the vehicle. Recordings are to be made only on suitable data storage media at a sufficient frame rate. For clarity this includes, but is not limited to, DVD or digital HDD (hard disk drive) data storage or USB Memory Stick. Each frame is timed (hours, minutes and seconds), dated. Two copies of the data will be recorded, one on the digital hard drive referred to as the Evidential Recording, and the second on a USB Memory Stick referred to as the Access Ticket USB Memory stick which acts as a back up to the data on the hard drive. If there is no physical 'disk' being held as the evidence disk, the system must ensure that one of the two copies of the recording is held securely, in an unalterable state or storage medium.

2.3.8 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.

2.3.9 The equipment is synchronised to the GPS unit clock. The last GPS up date (time signal by GPS every 3 minutes) should be checked on the start, stop frame at the beginning and end of each frame. If the GPS up date has not been up dated for 72 hours it should be done as soon as possible

2.3.10 Digital images should be securely deleted or physically destroyed (e.g. shredded) once they are no longer required. Data on the vehicle hard drive will be automatically erased by the system after 24 hours.

2.4 Operation of the System

Monitoring of Traffic

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

2.4.2 Only trained operators 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 Suitable digital recording media may be drawn from stock and loaded or allocated. The exact time 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 at the start of each shift.

2.4.4 The CCTV vehicle will be staffed by a driver and camera operator. The vehicle will be parked in a safe location. The operator will then start observation of the traffic in accordance with agreed enforcement plans for deployment. It is essential that the operator 'locates' the field of view on any DVD or section of a Hard Drive 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 the CEO 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 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. An example of the layout for Camera Enforcement Contravention log is included at Appendix 3.

2.4.7 At the end of the monitoring period the operator will record the exact time and date. The CEO will be responsible for transferring the evidence gathered and recorded on the vehicle hard drive:-

- Transfer data from the vehicle hard drive onto USB Encrypted Memory stick;
- Download the data on the memory stick onto the dedicated reviewing computer containing SEA Road Flow software.
- Create two copies of recording onto two non re writable DVD disks (Evidence Disk and Working Disk)

2.4.8 The operator will use the contravention log, to identify the sections of the 'working' DVD recording, which contain possible contraventions?

2.4.9 Each contravention will be reviewed on the Evidential USB Encrypted Memory Stick using the Road Flow program to decide whether it is clear and indisputable.

Appropriate details of the vehicle and circumstances involved in clear and indisputable contraventions are recorded by taking three Jpeg images using Road Flow.

Issue of Penalty Charge Notices

2.4.10. The Three Jpeg images will be created and transferred to the Penalty Charge Notice processing System which will be used to process Penalty Charge Notices in accordance with the Traffic Management Act 2004. Registered keeper details will be obtained from the DVLA and a Reg 10 PCN will be sent to the registered keeper.

2.4.11 The Secretary of State recommends that all PCNs should be issued within 14 days of the contravention and for this reason the PCNs will be sent by first class post . 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.

2.4.12 Reasons for not serving the PCN 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.

2.4.13. In any case, PCNs must be served within 28 days of the date of contravention unless keeper details have not been received from the DVLA..

Representations

2.4.14 With regard to parking contraventions, formal representations specifically concerned with the issue of any Reg 10 PCN from this system can only be made once it has been issued to the keeper of the vehicle.

2.4.15 In all cases, The City Council will consider the representations and if it does not accept them, will issue 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 Traffic Penalty Tribunal (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 operator's view of the contravention as it occurred. The issued Penalty Charge Notice is the City Council's declaration that a clear and undisputable contravention has been observed. All records made during a monitoring period are retained in secure storage.

Digital Recorded Evidence

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

2.5.3 The digital images on the encrypted memory stick will be transferred onto the desk top computer at NSL base, dedicated to processing images using SEA Road Flow software. A copy of all the data that has been transferred from the vehicle hard drive to the desk top computer will be 'Burnt' to non re-writable DVD. This DVD will be referred to as the 'Evidential Recording'.

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

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

2.5.5 A second DVD recording of the day's deployment will be created from the desk top hard drive containing the contraventions captured. This will be referred to as the 'Working Copy'. All recordings regardless of format must be individually numbered for unique identification. If a DVD or CD-R is being used for the 'evidence video'.

2.5.6 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 deleted/destroyed.

2.5.7 Only on confirmation that all data has been transferred from the enforcement vehicle to the processing / viewing computer will the hard drive on the enforcement vehicle be wiped clean of all data. All data on the hard drive will automatically be erased by the system after 24 hours.

2.5.8 The system must ensure that the 'evidence DVD' 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 deleted/destroyed. Use and storage of the 'working DVD'

2.5.9 At the end of each recording period the 'Working DVD' recording is used to review the potential contraventions identified by the operator. Thereafter the recording is

placed in secure storage. The 'working DVD' 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 2.5.17;
- for copying or release to third parties under the circumstances defined in paragraph 2.5.12;
- for monitoring purposes to obtain statistics on the performance of the scheme;
- for the purpose of additional monitoring.

2.5.10 The working DVD will be the responsibility of the processing staff during the time it is being used by them until it is returned to secure storage. A complete record is kept of the movement and viewing of every 'working DVD' recording. This begins when the disc, is placed in the recorder prior to a monitoring period, covers all uses and ends when it is released from secure storage and destroyed. 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.

2.5.11 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

2.5.12 All recordings are the property of Birmingham City Council, Parking Services and may not be copied or released 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 Traffic Penalty Tribunal (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

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

2.5.14 The City Council and/ or its agents NSL Ltd will provide the Police with a statement confirming the integrity of the recording, if required for evidential purposes.

2.5.15 Under no circumstances will recordings be released to members of the public, except as per section 2.5.17 below, or to media or other commercial organisations.

2.5.16 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 City Council.

Viewing of recording medium

2.5.17 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 recording medium, will only be arranged following formal agreement of the Senior Officer nominated in Appendix 1 paragraph 5. Viewing of the video / DVD 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.

2.5.18 Viewing of DVD 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 2.5.12 above

- as part of internal audit, review or disciplinary procedures
- as part of the training process for control room staff.

2.5.19 Viewing will only take place in a secure viewing area. Only the 'working DVD' recording will be viewed. 'Evidence DVD' recordings will not be viewed.

2.5.20 The person supervising the viewing must enter full details of the event on the Secure viewing log to include: -

- 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 times stamps) 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.

2.5.21 The event will also be entered into the individual history of each DVD recording viewed.

2.5.22 These records should be subject to regular audit, at least once a year, by officers specified in Appendix 1, paragraph 6.

Still Images

2.5.23 A still image will be supplied to a person who has received a PCN to support that PCN. A copy of the still image will 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 Birmingham City Council.

2.5.24 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.

2.5.25 Each still image will be given a unique serial number and will be logged and accounted for at all times. Still images will be provided with each PCN.

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

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

2.6. Guidelines for Appeals

2.6.1 An appeal form must be enclosed with every Notice of Rejection of Representations issued by Birmingham City Council. The Notice of Rejection will also provide a unique reference number for an appeal to be registered online.

2.6.2 The official use box must be completed by an authorised officer of Birmingham City Council. This must state the PCN No, the Vehicle Registration Number, and 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 Penalty Tribunal 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. An example of Authorised Officer Witness Statement that should be used for parking contraventions is included in Appendix 4. 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

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

b) Copy of the Penalty Charge Notice

c) A case summary - This should include the relevant part of the regulation allegedly contravened and deal with any exemption claimed by the appellant.

d) Copies of any representations made and all correspondence

e) Copy of the Notice of Rejection

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

g) The evidence submitted to the Traffic Penalty Tribunal must confirm that the appellant has been sent copies of the evidence submitted to the

Adjudicator. The evidence is posted to the Appellant and the same information is sent to TPT by email.

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

2.7 Security of Operations

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

2.7.2 All monitoring, recording and copying equipment will be located in this room. 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. Security of the 'Working DVD' will cease to be the responsibility when delivered to Birmingham City Council Processing team.

2.7.3 When all reviewing of contraventions has been completed and the room is empty, no matter how short a period of time, the disc and record storage cabinets and the recording equipment and its controls must be securely locked and inaccessible to any unauthorised person. Any alternative secure storage room must be subject to the same conditions of attendance.

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

2.8 Procedures Manual

2.8.1 An Operators Procedures Manual listing duties, responsibilities and procedures to be followed will be available in the Control Room NSL at all times. Access to that manual shall be restricted to officers who have responsibility for operating the system. The manual will be regularly updated to reflect current agreed practice.

2.9 Operating Personnel

Responsibilities

2.9.1 Management responsibility for the operation of the system and observance of this Code of Practice resides with the Officers listed in Appendix 1 Paragraph 6.

2.9.2 All staff operating the system will be responsible for working in full accord with this Code of Practice. 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 a relevant training course as agreed with Birmingham City Council.

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 City
- 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 Birmingham City Council

1 Responsibility for the Scheme in Birmingham City Council

Birmingham City Council, NSL Ltd (Enforcement Contractor)

2 Address at which the Code of Practice can be inspected

*Parking Services, 1, Lancaster Circus Queensway, Birmingham B4 7DJ.
WWW.Birmingham.gov.uk*

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

*Parking Services, 1, Lancaster Circus Queensway, Birmingham B47DJ.
WWW.Birmingham.gov.uk*

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

Parking Enforcement, 1 Lancaster Circus Queensway, Birmingham B4 7DJ

5 Senior Officer who can authorise copying and release of tapes

*Parking Enforcement Manager
Parking Processing Manager*

6 Officers responsible for operation of the system and observance of the Code of Practice:

*Overall responsibility: Traffic Manager.
Responsibility for day to day operations: Parking Enforcement Manager
Responsibility for CEO's: Contract Manager NSL Ltd*

7. Responsibility for Training

*Birmingham City Council
NSL Ltd*

Appendix 2

CRITERIA FOR IDENTIFYING PROBLEM AREAS:

1. With the introduction of the Traffic management Act 2004, Birmingham City Council is now able to enforce problem areas by camera and a Penalty Charge Notice will be issued by post. To achieve this aim the Council has produced this document setting out criteria for identifying problem areas.
2. The aim of this document is:
 - To ensure the safe efficient operation of the road network by deterring motorists from breaking road traffic restrictions
 - To deter abuse of parking restrictions to the detriment of the safety of highway users
 - To prevent congestion

To assist with these aims the following locations where waiting is restricted, have been identified as problem areas:

- All loading restrictions
 - All yellow lines where vehicles regularly park – NSL Ltd must log details of vehicles and photographs of problem parking on three separate occasions/ days over a one week period. After three months each area to be reassessed to determine if the problem still exists.
 - School keep clears
3. It is recognised that this list is not exhaustive and that amendments may be required as circumstances dictate; each amendment/addition will be agreed by Executive Member for Environmental Services
 4. Camera enforcement will require extensive publicity through local press, media and web page updates, prior to commencement.

Appendix 3

Example CCTV Contravention Log Sheet

Daily CCTV Contravention Log - Summary:-

Date:	
CEO Operator Number:	
Vehicle Number:	
Shift Start Time:	
Shift End Time:	
Daily Deployed Hours:	
Contraventions Recorded:	

CCTV Contravention Log:-

Date:	
Time:	
Street:	
Location:	
Restriction:	
Code:	
CEO:	
VRM:	
Make:	
Colour	
TP Detail:	
Comments & Observations:	
Review by:	
PCN Number:	
Reason for Rejection:	

Date:	
Time:	
Street:	
Location:	
Restriction:	
Code:	
CEO:	
VRM:	
Make:	
Colour	
TP Detail:	
Comments & Observations:	
Review by:	
PCN Number:	
Reason for Rejection:	

Street	Time	Location of CCTV Signs	Still Image Taken

Appendix 4

Authorised Officer Witness Statement (Parking Contraventions)

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To Follow

Appendix 5

Contraventions for Camera Enforcement

02j- Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force

46j - Stopped where prohibited (on a red route or clearway)

47 j- Stopped on a restricted bus stop or stand

48j- Stopped in a restricted area outside a school

99j- Stopped on a pedestrian crossing or crossing area marked by zigzags

Appendix 6

Camera Enforcement Vehicle

Example of Camera Enforcement Vehicle:-



Appendix 7

Glossary of Terms

Agency	An Agency is an organisation responsible for implementing a CCTV Camera Scheme and or CCTV Camera System. Each Agency can be responsible for one or more CCTV Camera Schemes and one or more Camera Systems. Agencies may enter into partnership to implement a CCTV Camera Scheme and or CCTV Camera System. Agencies, whether acting alone or in partnership, are responsible for ensuring that all CCTV Camera Users of their CCTV Camera Schemes and CCTV Camera Systems comply with the Data Protection Act (1998).
Approved Device	A CCTV system approved by the Dft under the Traffic Management Act 2004 for use in the enforcement of parking contraventions.
CCTV Camera	Closed Circuit Television (CCTV) Camera is a method of capturing CCTV Camera
CCTV Camera Image	A CCTV Camera Image is data represented in a visual form that may constitute Personal Data. A CCTV Camera Scheme is a prescribed method of processing CCTV Camera Images for an agreed purpose. A CCTV Camera Scheme can have one or many CCTV Scheme Operators and can use more than one CCTV Camera System.
CCTV Camera System	A CCTV Camera System is the infrastructure that is used to implement a CCTV Camera Scheme. One CCTV Camera System can be used by more than one CCTV Camera Scheme.
CCTV Camera User	A CCTV Camera User is a person who gathers CCTV Camera Images for the purpose of their contractual employment. Each CCTV Camera User is responsible for complying with the Data Protection Act (1998). A CCTV Camera User may work with more than one CCTV Camera Scheme.
CCTV Scheme Operator	A CCTV Scheme Operator is one or more CCTV Camera Users who are responsible for implementing a specified CCTV Camera Scheme on behalf of an Agency. Each CCTV Scheme Operator is responsible for ensuring that all CCTV Camera Users of the specified CCTV Camera Scheme comply with the Data Protection Act (1998). A CCTV Scheme Operator can be responsible for one or many specified CCTV Camera Schemes.
Data Controller	A Person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in

which any personal data are, or are to be, processed.

The Camera Schemes covered by this Code of Practice may have single, joint or in common Data Controllers depending on the agreement each Agency has and the use of the CCTV Camera Images involved.

For the purposes of this Code of Practice, the Data Controller is defined as the Agency who is actually using the CCTV Camera Image at any given time to gather or record data which in turn will actually be deemed to be Personal Data. The Data Controller may differ from the CCTV Scheme Operator.

At any given time there may be none or several Data Controllers

Data Processor	Used in relation to Personal Data and means any person (other than the employee of the Data Controller) who processes the data on behalf of the Data Controller.
Dft	Department for Transport
DVLA	Driver and Vehicle Licencing Agency where the registered keeper details are obtained from in order to despatch the Reg10 PCN.
Parking Contravention	Contravention of a Traffic Regulation Order enforceable under the Traffic Management Act 2004.
Personal 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.
Registered Keeper	The person registered with the DVLA as being the keeper of the vehicle.
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.
TPT	Traffic Penalty Tribunal (for England and Wales) is an independent body judging the liability of appellants to pay a Penalty Charge imposed by a Council in the Civil Enforcement Scheme.
Video	The visual portion of a transmission, the system of recording, reproducing, or broadcasting moving visual images.