

Safe Information Handling Policy and Guidance – Moving Traffic Enforcement ANPR Clip reviewing (Home & Office working)

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1. Introduction

Background

Since 1999 the London Boroughs and Transport for London have been using Closed Circuit Television (CCTV) cameras to enforce traffic regulations, and particularly Bus Lanes. The introduction of the statutory instruments in November 2005 under the Transport Act 2000 allowed for the enforcement of Bus Lanes through camera technology by approved Local Authorities outside of the Greater London Area however, in May 2022 new regulations have been implemented which consolidate the regulations meaning bus lane and moving traffic enforcement now falls under the Traffic Management Act and the Civil Enforcement of Road Traffic Contravention (Approved Devices, Charging, Guidelines and General Provisions) (England) Regulations 2022 and The Civil Enforcement of Road Traffic Contravention (Representations and Appeals) (England) Regulations 2022. This type of enforcement of traffic regulations by CCTV/enforcement cameras is one part of a wide-ranging program of measures to improve the reliability and punctuality of public transport, improve road safety, reduce congestion and pollution. The aim of most traffic management measures, such as bus lanes, moving traffic and parking regulations is to give priority to certain groups of road users by excluding others during prescribed hours. The introduction of CCTV/enforcement cameras monitoring of traffic regulations is intended to reduce the level of contraventions and so reduce delays on the highway network.

An essential and integral part of any CCTV/camera enforcement 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. Minimum standards are set out for enforcement to ensure confidence within the scheme

This Code of Practice is designed to operate within the framework of the relevant pieces of legislation and to complement any guidance produced by the Department for Transport. If any contradictions occur between this document and the relevant legislation or guidance documents, then this document defers to that legislation/guidance.

This Code of Practice only covers the use of approved camera devices operated to enforce bus lane and moving traffic regulations and restrictions within Hampshire County Council area (not including the unitary authority areas of Southampton or Portsmouth). All other CCTV or approved devices used within the authority are covered by their own Codes of Practice.

Management responsibility for the system operation and observance with this Code of Practice resides with Hampshire County Council

All data will 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.

All staff operating the system will be responsible for working fully in accordance with this Code of Practice and any other local procedures. They remain subject to the authorities' normal disciplinary procedures.

2. Code of Practice

Purpose

This Code of Practice applies to the use of approved devices and its system for the purposes of enforcing restrictions and Traffic Regulation Orders.

This Code of Practice has been drawn up to ensure that the use of the approved device for monitoring and enforcement of bus lanes and moving traffic is consistent within Hampshire County Council and in accordance with best practice. The Code ensures that issues such as privacy and integrity are properly respected.

Public Availability

In accordance with the Local Government (Access to Information) Act 1985 copies of this Code of Practice are publicly available. It can be inspected on Hampshire County Council's main parking web pages at hants.gov.uk/transport/parking

Or by appointment at

Elizabeth II Court
Sussex Street
Winchester
SO23 8UD

Monitoring and Review

This Code will be regularly reviewed by Hampshire County Council and those involved with the system operation
On review, this Code will be amended as necessary to ensure it continues to reflect best practice.

Objectives

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

- To satisfy the community that the approved device and 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.
- To use cameras as a deterrent and improve driver compliance with traffic regulations.
- To facilitate the detection of non-compliance of the restrictions and regulations by non-authorized vehicles.

Queries or Complaints

Queries or complaints about this Code of Practice and/or its operation should be sent either by post to

Parking and Traffic Enforcement Team
Universal Services
Hampshire County Council
The Castle
Winchester
SO23 8UD

Or by email to parking.services@hants.gov.uk

Appeals or queries related to a specific Penalty Charge Notice (PCN) shall be made as stated on the notice

3. The Operation Of CCTV/Enforcement Cameras

Camera usage

Closed Circuit Television (CCTV)/enforcement 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. The enforcement cameras for bus lane and moving traffic enforcement are approved devices certified for use in static positions

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

The location of these cameras may be moved between sites; this Code of Practice covers all sites at which enforcement takes place through approved and certified devices/locations.

Legal Framework

The operation of ANPR/camera enforcement systems must be undertaken with due regard to the following legislation (as amended):

- The Data Protection Act 2018
- The Human Rights Act 1998
- The Regulation of Investigatory Powers Act 2000
- The Freedom of Information Act 2000

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

PCN's issued up to and including 30 May 2022:

- Road Traffic Regulation Act 1984
- Road Traffic Act 1991
- Section 144 of the Transport Act 2000
- The Bus Lanes Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005.
- The Tribunals and Inquiries (Bus Lane Adjudicators) (England) Order 2005.
- The Bus Lane Contraventions (Approved Local Authorities) (England) Order 2005.
- The Bus Lanes (Approved Devices) (England) Order 2005.
- The Traffic Management Act 2004
- The Civil Enforcement of Parking Contraventions (England) General Regulations 2007
- The Civil Enforcement of Parking Contraventions (approved Devices) (England) Order 2007
- The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007

PCN's issued 31 May 2022 onwards:

- Road Traffic Regulation Act 1984
- Road Traffic Act 1991

- The Traffic Management Act 2004
- The Civil Enforcement of Road Traffic Contravention (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022
- The Civil Enforcement of Road Traffic Contravention (Representations and Appeals) (England) Regulations 2022

Together these Acts allow a Local Authority to install structures and equipment on or near a highway for the detection of contraventions of Traffic Regulation Orders and to use the information provided by them, to serve a PCN on the registered owner/keeper/hirer of a vehicle which contravenes the traffic regulations.

Relevant Traffic Regulation Orders must be made available on request. Records of the owner/keepers/hirer of vehicles that contravene traffic regulations will be obtained in accordance with the Driver and Vehicle Licensing Agency enquiry procedures.

Enforcement Restrictions and Regulations

The primary objective of any ANPR/camera enforcement system ('the system') is to ensure the safe and efficient operation of the road network by deterring motorists from contravening road traffic restrictions and detecting those that do.

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.

To encourage compliance with traffic regulations the system enables fully trained staff:

- To monitor traffic activity in accordance with relevant legislation and guidance, including this Code of Practice, and to deter the contravention of restrictions;
- To identify vehicle registration number, (colour and type if identifiable) of unauthorised vehicles contravening traffic regulations;
- To support the serving of PCNs to the registered owner/keeper/hirer 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.

The system is intended to enforce Bus Lane / Bus Gate and Moving Traffic restrictions only. It will not be used to invade the privacy of any persons in domestic, business or other private premises, buildings or land.

The system may only be used to enforce any Bus Lane / Bus Gate or Moving Traffic contraventions which is defined by a Traffic Regulation Order as defined by appropriate signs and on street markings. Details of the relevant Traffic Regulation Orders (if applicable) are likely to be requested by the Adjudicators as part of the PCN appeals process.

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

ANPR/camera enforcement systems fall into two generic types:

- Attended Systems
- Unattended Systems

- Attended System are operated in real time by a camera operator who views the images from roadside equipment. The operator may be located in a central control room or locally, such as a vehicle-based control room. Contraventions are observed by the operator and PCNs are issued primarily on the basis of the operator's observations and supported by the image recordings.
- Unattended System are automated CCTV/camera enforcement systems which operate without operator intervention. They record contraventions from which PCNs are issued on the basis of the recorded images. The recorded images must be reviewed by an operator before a PCN is issued.

Hampshire County Council will be using an unattended system for the sole use of enforcement. The enforcement is being performed under the Traffic Management Act 2004 and requires an approved device certificate. Approval for the system must additionally comply with The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.

System Operation

Only properly trained operators will operate the system.

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

Penalty Charge Notices (PCN)

The statutory guidance states that the local authority must provide evidence of the contravention from a record of an approved device at the earliest opportunity. The PCN should be served by first class post and must not be sent by second 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.

The PCN is served to the owner of the vehicle, whose identity is ascertained from the Driver and Vehicle Licencing Agency (DVLA).

The Regulations require all PCN's to be sent within 28 days of the date of contravention. This period can be extended where keeper details cannot be supplied by the DVLA.

Representations in all cases will be considered by Hampshire County Council providing they are received within the timeframe given. Where representations are not accepted, we will issue a Notice of Rejection. If the owner/keeper/hirer is not satisfied by this outcome, there is a right of further appeal to the independent adjudicators at the Traffic Penalty Tribunal – details of how to do this will be included within the Notice of Rejection.

Representations received more than 28 days after the PCN is issued may be disregarded.

Retention and use of evidence

All recordings are the property of Hampshire County Council and will only be copied or released by an authorised officer. A copy of the section of footage, 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.

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

Recordings (and copies of recordings), which are released, remain the property of Hampshire County 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.

Under no circumstances will recorded material (or items generated from it) be released, sold or lent to members of the public, media or other commercial organisations except for the purposes set out above or where release is required under relevant legislation.

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 Hampshire County Council.

Registered owners/keepers/hirers of a vehicle and their representatives are entitled to view the media recording relating to the contravention for which a PCN has been issued.

Footage is viewed via a secure Online Case Management system, which is accessed from a personal computer using the registration number of their vehicle and PCN number. This can additionally be viewed by appointment by visiting Hampshire County Council's offices, where computers can be accessed to view the system.

Still images are provided on the PCN to show sufficient grounds for its issue.

Still images can also be accessed via the Online Case Management system along with the video footage

Still images will only be generated for the following purposes:

- To support the issue of a PCN.
- As evidence for an Appeal.
- If the Police or other organisation with appropriate authority request such an image with detailed written reasons for their request.

Appeal Guidelines

The Notice of Rejection issued by Hampshire County Council will detail how to make an appeal to the Traffic Penalty Tribunal by providing a website where an appeal can be made and a specific PIN number that must be entered along with details of the relevant PCN. Alternatively, a telephone number is provided that can be used if the person making an appeal is unable to do so online and a form will be sent by the Adjudication service.

Evidence is available to view online by both Hampshire County Council and the person making the appeal.

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

- Authorised Officer Witness Statement – a declaration that at the time the contravention was observed and verified, the monitoring and recording equipment used was of a type approved by the Secretary of State and was in full working order.
- Copy of the PCN.
- A case summary - This should include the relevant part of the regulation allegedly contravened and deal with any exemption claimed by the appellant.
- Copy of the Notice to Owner (where applicable).
- Copies of any representations made and all correspondence.
- Copy of the Notice of Rejection.
- Colour visual images of the Contravention – the images must show the context of the contravention and vehicle registration mark identification of the target vehicle. All pictures must display the location, date and time of the contravention. The Adjudicators do not expect footage except in particular cases where there is a strong conflict of evidence. If the Council produces video evidence to the Adjudicators, they must also supply the appellant with a copy. The footage for the Adjudicators must be of a type approved by TPT however the footage for the appellant must be in a format agreed with the appellant. Even if the appellant has already viewed the Council's recorded evidence of the contravention, the Adjudicator would expect to see images in evidence. A copy of the images would therefore have to be served on the appellant. A digital photograph would be acceptable, providing that the accompanying statement explains that it is a digital photograph, taken by an approved device, a true copy, not enhanced etc.
- The evidence submitted to the Adjudicator must confirm that the appellant has been sent copies of the evidence submitted to the Adjudicator. The evidence copied to the appellant must be in the same format as that submitted to the Adjudicator.

The list above is not exhaustive. As with any case, the Adjudicator may ask for other forms of evidence not mentioned above. The Councils will be given at least 14 days' notice to submit evidence for appeals.

Security of Operations

The enforcement operation will take place within a secure area with access limited to authorised personnel.

Access to the system and any data storage areas will be controlled to prevent unauthorised access. There is an audit trail within our system used by authorised staff to view cases and footage.

With the exception of images posted on the PCN, videos and images are accessible to members of the public via the online case management system. This requires unique details found on the PCN and a corresponding Vehicle Registration Number. Other media released will only be made by an authorised officer.

Media stored on the secure server will be removed/deleted on an authorised officer agreed, auditable timescale.

Details of our Privacy Notice can be [here](#)

Remote working

All operating staff must have read and understood this policy and must have signed/dated the appropriate Authority Form confirming their acceptance and that all duties will be conducted in accordance with this policy and Hampshire County Council's Corporate Acceptable Use Policy and Safe Information Handling Policy.

Hampshire County Council Parking and Traffic Enforcement team officers work at home and one day a week in the office. They will be the officers solely providing the Civil Traffic Enforcement duties for the Council and may only work from their assigned office location or from home. When working from their office location it will be in an enclosed meeting room where no other council workers will be able to see the computer screens, other than the enforcement team officers assigned to review the appeals footage.

Any work from home should only be done using the Council "remote access" system which can be accessed from Council issued IT equipment. All operators will be issued with a Council laptop to conduct all work relating to Civil Traffic Enforcement.

If an operator is unable to access the remote system, then they will be required to travel to their assigned office location for secure access.

An operator should take personal responsibility for the health and safety aspect of home working and needs an environment at home which offers the following:

- Suitable "office" space, ideally a separate room but at least a dedicated space.
- Freedom from interruptions and distractions.
- Security and confidentiality.
- Suitable IT, internet connections.
- Practice good ICT security by not disclosing/writing down passwords and ensuring the Council's policy on Access Control is adhered to in relation to password security.
- Position laptops so that others cannot see the screen.
- Laptops should be locked when leaving your desk/workspace.
- Operators should not discuss, disclose or divulge any Civil Traffic Enforcement case details/information to family members, partners or any individual who is not employed by Hampshire County Council within the Traffic Enforcement Team (exclusions apply but are not limited to the Complaints Team, Freedom of Information and Data Protection Teams, Management)

Operators should keep in mind all risks associated with remote working and report any instance of a possible breach to their line manager without delay. The above personal responsibility list is not exhaustive and should be always adhered to.

Operators should not take hard copies of work-related documentation home or print any documents other than on the secure office-based printers. This must remain in the assigned office location, safely locked away when not in use. Confidential waste should be disposed of in the usual way, using a confidential shred bin located in the assigned office location.

Operators should ensure they know their responsibilities under the Data Protection Act and the Council's Security policies by completing the annual mandatory on-line training/refresher courses.

Additional Information:

Particulars of Hampshire County Council:

Responsibility for the scheme in Hampshire County Council:

Local Addresses at which the Code of Practice can be inspected:

Parking and Traffic Enforcement Team

Universal Services
Hampshire County Council
The Castle
Winchester
SO23 8UD
Hampshire County Council
Or at [parking website page](#).

Addresses at which Annual Reports may be inspected:
Parking and Traffic Enforcement Team
Universal Services
Hampshire County Council
The Castle
Winchester
SO23 8UD
Or at [parking website page](#).

Parking and Traffic Enforcement Team
Universal Services
Hampshire County Council
The Castle
Winchester
SO23 8UD
Hampshire County Council's [parking website page](#).

Officers responsible for operation of the system and observance of the Code of Practice:
Overall responsibility – Head of Transport & Highways
Responsibility for day-to-day operations – Parking Service Team Manager