

Thurrock Council
CCTV Enforcement Cameras for
Moving Traffic Contraventions
Code of Practice

Version control

Title	Moving Traffic CCTV Enforcement Code of Practice
Purpose	Governs how officers will deal with the enforcement of moving traffic offences in-line with national standards
Owner	
Author	
Approved by	
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Next review date	As above

Amendment history / change record

Date	Version	Key changes / sections amended	Amended by
April 2024	1.0	This is a new Code of Practice	

Version 1 – April 2024.

Contents

1.	Introduction	4
1.1.	Background	4
1.2.	Commitment and responsibility	4
1.3.	Code of practice	4
2.	The operation of CCTV enforcement cameras	5
2.1.	CCTV camera usage	5
2.2.	Legal framework	6
2.3.	Enforcement restrictions and regulations	7
2.4.	System operation	8
2.5.	Penalty Charge Notices	8
2.6.	Retention and use of evidence	8
2.7.	Appeal guidelines	9
2.8.	Security of operations	10
2.9.	Place of work and contingency plans	11
3.	Additional information	12
	Particulars of Thurrock Borough Council	12
	Appendix A – CCTV Enforcement Processing Policy (Offences)	13

1. Introduction

1.1. Background

- 1.1.1. In 2021, councils in England and Wales saw sweeping changes made to allow Local Authorities the legislative powers to enforce moving traffic conventions as noted within schedule 6 of the Traffic Management Act. In 2023, Thurrock Council were successful in applying for the legislative powers to enforce these offences.
- 1.1.2. 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, 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.
- 1.1.3. 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.
- 1.1.4. 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.

1.2. Commitment and responsibility

- 1.2.1. This Code of Practice only covers the use of approved camera devices operated to enforce moving traffic regulations and restrictions within the Thurrock Borough Council area. All other types of CCTV or approved devices used within the authority are covered by their own Codes of Practice.
- 1.2.2. Management responsibility for the system operation and observance with this Code of Practice resides with Thurrock Borough Council.
- 1.2.3. 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 authority's normal disciplinary procedures.

1.3. Code of practice

Key purpose of code

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

This Code of Practice exists to ensure that the use of the approved device for monitoring and enforcement of moving traffic offences is consistent within Thurrock Council and in accordance with best practice. The Code ensures that issues such as privacy and integrity are properly respected.

Availability of the code to the public

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 Thurrock Borough Council's main parking website page.

Monitoring and review of code

This Code will be regularly reviewed by Thurrock 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 of code

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

- to satisfy the community that the approved device(s) 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 and complaints about code

Queries or complaints about this Code of Practice and/or its operation should be directed in writing either by:

- web – www.thurrock.gov.uk/complaints
- email – complaints@thurrock.gov.uk
- post – Complaints Team, Thurrock Council,
Civic Offices, New Road, Grays, RM17 6SL.

2. The operation of CCTV enforcement cameras

2.1. CCTV camera usage

- 2.1.1. 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 moving traffic enforcement are approved devices certified for use in static positions.
- 2.1.2. This Code of Practice specifically relates to approved devices being used for the enforcement of restrictions and regulations.

2.1.3. 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.

2.2. Legal framework

2.2.1. The operation of CCTV/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 3.2.2

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

- 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
- 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

2.2.3. 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 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.

2.2.5. Relevant Traffic Regulation Orders shall be made available on request, if applicable.

2.2.6. 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.

2.3. Enforcement restrictions and regulations

- 2.3.1. The primary objective of any CCTV/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.
- 2.3.2. In order 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
- 2.3.3. The system is intended to enforce Bus Lane 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.
- 2.3.4. The system may only be used to enforce any Bus Lane or Moving Traffic contraventions which is defined by a Traffic Regulation Order (excluding yellow box junctions) 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.
- 2.3.5. Relevant camera enforcement signage will be displayed in areas where camera enforcement takes place. The signs will not define the field of view.
- 2.3.6. CCTV/camera enforcement systems fall into two generic types.

Attended Systems are operated in real time by a camera operator who views the images from roadside equipment. The operator may be located in a secure 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 Systems 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.

- 2.3.7. Thurrock Borough 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.

2.4. System operation

- 2.4.1. Only properly trained operators will operate the system.
- 2.4.2. Unattended systems identify contraventions automatically and store them for later processing. Such images must be verified by operators prior to notices being issued.

2.5. Penalty Charge Notices

- 2.5.1. 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.
- 2.5.2. The PCN is served to the owner of the vehicle, whose identity is ascertained from the Driver and Vehicle Licencing Agency (DVLA).
- 2.5.3. 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.
- 2.5.4. Representations in all cases will be considered by Thurrock Borough 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.
- 2.5.5. Representations received more than 28 days after the PCN is issued may be disregarded.

2.6. Retention and use of evidence

- 2.6.1. All recordings are the property of Thurrock Borough 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 and Excise or the Health and Safety Executive
 - by court order, in connection with civil proceedings
- 2.6.2. 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.
- 2.6.3. Recordings (and copies of recordings), which are released, remain the property of Thurrock Borough 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.

- 2.6.4. 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.
- 2.6.5. 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 Thurrock Borough Council.
- 2.6.6. 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.
- 2.6.7. 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 Thurrock Borough Council's offices, where computers can be accessed to view the system.
- 2.6.8. Still images are provided on the PCN to show sufficient grounds for its issue.
- 2.6.9. Still images can also be accessed via the Online Case Management system along with the video footage.
- 2.6.10. 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
- 2.6.11. CCTV images are not to be retained for longer than necessary, taking into account the purposes for which they are being processed.
- 2.6.12. Any saved images or footage will be deleted once they are no longer needed for the purpose for which they were saved.
- 2.6.13. All retained CCTV images will be stored securely.

2.7. Appeal guidelines

- 2.7.1. The Notice of Rejection issued by Thurrock Borough 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.
- 2.7.2. Evidence is available to view online by both Thurrock Borough Council and the person making the appeal.
- 2.7.3. 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
- 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 along with the vehicle registration mark identification of the target vehicle, and 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, and so on.

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.

- 2.7.4. 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.

2.8. Security of operations

- 2.8.1. The enforcement operation will take place within a secure area with access limited to authorised personnel.
- 2.8.2. 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.
- 2.8.3. 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.
- 2.8.4. Other media released will only be made by an authorised officer.
- 2.8.5. Media stored on the secure server will be removed/deleted on an authorised officer agreed, auditable timescale.
- 2.8.6. Details of our Privacy Notice can be found at www.thurrock.gov.uk/privacy

2.9. Place of work and contingency plans

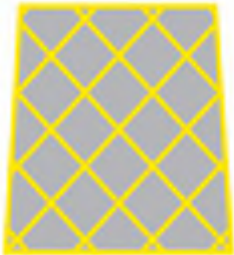
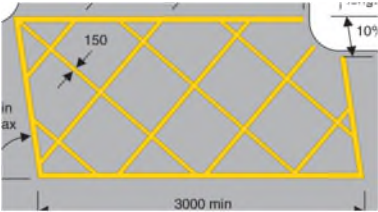
- 2.9.1. All operating staff must have read and understood this policy and must have signed/dated the appropriate Authority Form confirming their acceptance and that all duties will be conducted in accordance with this policy and Thurrock Borough Council's Access Control Policy, IT Acceptable Use Policy, Personal Data/Sensitive Business Data and Working from Home Policy and any future applicable policies.
- 2.9.2. 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
- 2.9.3. Officers must:
- 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
- 2.9.4. Laptops should be locked when leaving desks/workspaces.
- 2.9.5. 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 Thurrock Council within the Traffic Enforcement Team (exclusions apply but are not limited to the Complaints Team, Freedom of Information and Data Protection Teams, Management)
- 2.9.6. 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 adhered to at all times.
- 2.9.7. 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.
- 2.9.8. 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.
- 2.9.9. Where an emergency situation is declared within Thurrock area, which affects the working capability of enforcement officers, alternative secure locations will be used in-line with Business Continuity plans.




3. Additional information




Particulars of Thurrock Borough Council

Particular	Detail
Responsibility for the scheme in Thurrock Borough Council	Thurrock Council, Civic Offices, New Road, Grays, RM17 6SL
Local address at which the Code of Practice can be inspected	Thurrock Council, Civic Offices, New Road, Grays, RM17 6SL or www.thurrock.gov.uk/parking
Addresses at which Annual Reports may be inspected	Thurrock Council, Civic Offices, New Road, Grays, RM17 6SL or www.thurrock.gov.uk/parking
Officers who can authorise copying and release of video footage	Enforcement Investigation Officers, Traffic Enforcement Manager, Team Leader/Manager, Highways Network Manager, Head of Highways and Transport Delivery
Officers responsible for operation of the system and observance of the Code of Practice	Overall responsibility – Head of Enforcement. Responsibility for day-to-day operations – Senior Operations Manager (Enforcement)
Responsibility for training	CCTV Supplier, Taranto Systems Limited, Enforcement Investigation Officers and Senior Operations Manager (Enforcement) at Thurrock Borough Council

Appendix A – CCTV Enforcement Processing Policy (Offences)

Code	Sign	Proposed guidance on issue of PCN	Evidence required	Exemptions
<p>31</p> <p>Entering and stopping in a box junction when prohibited</p>	<p>1043</p>  <p>1044</p> 	<p>Camera (or observed) record shows that vehicle entered box when exit was not clear and has stopped for at least three (3) seconds</p> <p>A. Except where made in order to avoid accident or allow Emergency vehicle to pass if this was the only reasonable course of action to be taken Observations must record;</p>	<ul style="list-style-type: none"> • Entry into the box • Continued state of exit[s] • Subsequent actions by the driver. <p>Should record:</p> <ul style="list-style-type: none"> • The arrival of the vehicle, • Any signals made by driver <p>Effectively as complete a record of movements in the junction overall during the passage of the vehicle in question.</p>	<ul style="list-style-type: none"> • Police, ambulance or Fire engine being used in an emergency. • Driver given permission or direction by a uniformed police officer.

Code	Sign	Proposed guidance on issue of PCN	Evidence required	Exemptions
32 Failure to drive in the direction shown	606 	Evidence shows that vehicle could see sign and failed to comply A. Except where made in order to avoid accident or allow Emergency vehicle to pass if this was the only reasonable course of action to be taken	Record of vehicle approaching direction, failing to comply with instruction and continuing	<ul style="list-style-type: none"> As listed above Police, ambulance or Fire engine being used in an emergency Driver given permission or direction by a uniformed police officer
	609 	Evidence needs to show vehicle passing advance sign and then failing to make prescribed turn	Record of vehicle approaching direction, failing to comply with instruction and continuing	<ul style="list-style-type: none"> As listed above Police, ambulance or Fire engine being used in an emergency Driver given permission or direction by a uniformed police officer Temporary removal of the restriction i.e. Diversion
	652 	Evidence over a minimum distance, record at least three (3) seconds of vehicle travelling in direction contrary to sign	Record of vehicle approaching direction, failing to comply with instruction and continuing	<ul style="list-style-type: none"> As listed above Police, ambulance or Fire engine being used in an emergency Driver given permission or direction by a uniformed police officer

Code	Sign	Proposed guidance on issue of PCN	Evidence required	Exemptions
<p>50</p> <p>Failure to comply with a sign indicating prohibited turn</p>	<p>613</p> 	<p>Unless there is no alternative to the prohibited manoeuvre, there must be evidence before, during and after the contravention</p>	<p>Record of vehicle approaching restriction, fully completing prohibited manoeuvre and continuing</p>	<ul style="list-style-type: none"> • Police, ambulance or Fire engine being used in an emergency • Driver given permission or direction by a uniformed police officer • Temporary removal of the restriction i.e. Diversion
<p>51</p> <p>Failure to comply with a no entry sign</p>	<p>616</p> 	<p>Evidence shows that vehicle could see sign, failed to comply and passed it</p>	<p>Record of vehicle approaching restriction, fully completing prohibited manoeuvre and continuing</p>	<ul style="list-style-type: none"> • Police, ambulance or Fire engine being used in an emergency • Driver given permission or direction by a uniformed police officer • Temporary removal of the restriction i.e. Diversion
<p>52</p> <p>Failing to comply with a sign indicating a prohibition on certain types of vehicles</p>	<p>617</p> 	<p>Evidence should record prohibited vehicle passing sign(s) during restricted hours and, stopping, parking in or traversing restricted length/area</p>	<p>Depending on the specific restriction, the camera or observation should record approach to and passing of the sign(s) and subsequent movement by the vehicle including whether it parks, stops or traverses the restricted length/area</p>	<ul style="list-style-type: none"> • Police, ambulance or Fire engine being used in an emergency • Driver given permission or direction by a uniformed police officer • Temporary removal of the restriction i.e. Diversion

