

Southend-on-Sea Borough Council

Report of Corporate Director of Enterprise, Tourism and
the Environment

To
Cabinet

On
8th January 2013

Agenda
Item No.

Report prepared by:
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CCTV Vehicle Annual Reassessment Executive Councillor: Councillor Cox

1. Purpose of Report

- 1.1 This report provides first annual reassessment of the use of the CCTV Vehicles (“CCTV car”) in the borough to complement enforcement of parking contraventions.

2. Recommendation

2.1 That the Cabinet:

- i) Note and endorse the contents of this report;
- ii) To continue to use the CCTV Cars in the borough in line with the priority policy framework outlined in this report to deal with dangerous and inconsiderate parking; and
- iii) That the Parking Management Team in conjunction with ward members identify all problem locations/routes that need to be routinely patrolled by the CCTV cars and to publish these on the Council’s website.

3. Background

- 3.1 There is an ongoing demand by elected Members, residents and local businesses to introduce and regulate parking controls in the borough in order to assist in making improvements in road safety, providing access for local businesses to reduce congestion and improve traffic flows. There is also an

increasing demand for additional waiting, loading and other parking restrictions. Currently, there is an agreed process in place that enables such requests to be progressed via the Council's Traffic & Parking Working Party and the Cabinet Committee, so that they can be investigated and implemented where agreed by the Committee, in line with the statutory requirements. Whilst introducing new parking restrictions meets some of this demand, this leads to an expectation that adequate enforcement will be there to ensure motorists are encouraged to comply with the parking regulations and act as a deterrent to persistent contraventions. Without an effective enforcement strategy and regime, the implementation of such restrictions is meaningless and leads to wrong perceptions and defeats the main objectives of improving road safety and traffic flow. As such, a firm but fair framework for enforcement is an integral part of the Council's approach in maintaining public safety, and enabling free flowing traffic. The Council has paid due regard to the legislative requirements when developing and reviewing its parking regimes.

- 3.2 The Road Traffic Act 1991 decriminalised parking offences and transferred powers from the Police to local traffic authorities to undertake enforcement of parking regulations under the Decriminalised Parking Enforcement (DPE) procedures. The Council started operating DPE in 2001.
- 3.3 In 2004 the Traffic Management Act (TMA) introduced a change from DPE and made it possible for local traffic authorities to undertake Civil Parking Enforcement (CPE) using Civil Enforcement Officers (CEOs).
- 3.4 In 2008 the Department for Transport (DfT) published national statutory guidance under section 87 of the TMA, which set out a policy framework for CPE. This included guidance on parking enforcement using 'approved devices' such as CCTV vehicles, (or "CCTV cars"). The main purpose of the guidance was to set out a policy framework for CPE to ensure as much national consistency as possible, while allowing parking policies to suit local circumstances using a system that is fair to the motorist, but effective in enforcing parking regulations.
- 3.5 In line with the requirements of TMA legislation and the statutory guidance, the Council started operating CPE in June 2009, under a tendered contract with the Airport Parking Company of America, (APCOA).
- 3.6 Along with the new powers and related statutory guidance to support parking enforcement, new terminologies were also introduced to replace the old. Some of the main changes are listed below:

NEW TERMINOLOGY	OLD TERMINOLOGY
Civil Parking Enforcement (CPE)	Decriminalised Parking Enforcement (DPE)
Civil Enforcement Officer (CEO)	Parking Attendant (PA)
Civil Enforcement Area (CEA)	Special Parking Area (SPA)
Fixed Penalty Notice (FPN)	Penalty Charge Notice (PCN)
Parking Contravention	Parking Offence

- 3.7 The main objectives of CPE are to contribute to an authority's transport objectives as defined in its Local Transport Plans. Its aim is to seek increased

compliance with parking restrictions whilst effectively delivering wider transport strategies and objectives, paying particular regard to:

- Its Network Management Duty under the TMA to ensure the expeditious movement of traffic (including pedestrians and cyclists) on its highway network
- Improving road safety
- Improving the local environment
- Ensuring it assists in meeting business needs
- Improving the quality and accessibility of public transport
- Meeting the needs of people with disabilities, some of whom will be unable to use public transport and depend entirely on the use of a car; and
- Managing and reconciling competing demands for kerb space.

3.8 In December 2009, the DfT released a 'Code of Practice on the Operation of CCTV Enforcement Cameras' (CoP) for local traffic authorities to adopt, which included the use of mobile cameras as approved devices, i.e. a CCTV camera that can be moved from one location to another mounted on a vehicle, i.e. a CCTV car. The CoP ensures that issues such as privacy and integrity are properly respected and that CCTV surveillance is used in line with recognised best practice.

3.9 However, before a local traffic authority can adopt the CoP and use CCTV cars for the purposes of enforcing parking regulations in its designated area, it would firstly need to apply for, and receive formal certification from the DfT, under the 'Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007'.

3.10 The Council did this and received DfT certification for its CCTV cars on the 10th June 2011, and hence adopted the CoP, to ensure best practice. It needs to be noted that the vehicle is operating properly and legally in full compliance with the necessary permissions which are in place, including DfT approvals and is Data Protection compliant.

3.11 On the 11th January 2011, a report was presented to the Cabinet and Members of the Council seeking their approval for proposed changes to the approach to managing CPE in the borough with recommendations to:

- Help to improve road safety
- Reduce lost revenue to businesses and the Council
- Reduce congestion
- Protect the local environment
- Allow PCNs to be issued by post
- Allow the operation of CCTV enforcement around schools, on carriageways, box junctions (where traffic conditions and highway space allows), prohibited turns and on other classified roads
- Allow the carriageway to function as a highway first and as a parking resource second
- Implement the proposals from the 1st April 2011; and
- Review the proposals 2 years after implementation.

- 3.12 These proposals were approved by the Council at its Economic & Environmental Scrutiny Meeting on the 3rd February 2011.
- 3.13 With the necessary approvals in place, two CCTV cars became operational in the borough in July 2011.
- 3.14 This was accompanied by appropriate publicity and public communications. A communications plan was developed and implemented in conjunction with the Council's Communications Team to ensure that the main stakeholders were made aware of the changes and were kept fully informed. The communications medium used included the Council's website, local newspapers and there were various press releases. Lawful traffic signs at all borough boundary entry points were also installed, in line with the regulatory requirements.
- 3.15 It needs to be noted that there are 54 local authorities across the country that have DfT approval to use CCTV cars for CPE. There are some examples of this in the London boroughs of Newham, Sutton, Croydon and Redbridge Councils, and Basildon Borough Council in Essex. Their use is complementary to CPE. It needs to be emphasised that the operation of the CCTV cars is by no means a threat to local businesses, residents or visitors provided they park legally.
- 3.16 Prior to enforcement using mobile CCTV commencing, the CCTV cars only patrolled problem areas, particularly school sites and showed a visible presence without issuing any PCNs. The primary purpose of this exercise was to allow motorists to be made aware of the changes to the borough's enforcement approach and to encourage them to consider changing their parking behaviours in compliance of the parking regulations. This was considered to be an important part of the communications strategy.
- 3.17 As part of the assessment of its operation, a Member Workshop was convened on the 16th July 2012 to consider the deployment of CCTV Vehicles in the borough one year after they became operational in the borough. The workshop was designed to canvas Members views on the effectiveness of the vehicles in enforcing parking regulations as well as updating them on the operation of the vehicles and ascertaining their views on their future operation. In addition to this, Members were asked to provide examples of where they felt the vehicles' operation had been inappropriate or excessive. The session was attended by 30 Members and the outcome of the discussions is reflected in the report.

4. CCTV Car – First Annual Reassessment Information

- 4.1 The CCTV cars have attracted a lot of attention in local press which has had the capacity to reflect negatively on the Council. Concerns have been raised by local businesses and residents that particular areas have been "targeted" by the CCTV cars. Given these concerns, the reassessment of its operation has been undertaken one year after its introduction rather than to review after two years as originally proposed. At the same time, the Council has received positive feedback from school head teachers, namely Thorpe Greenways School and others along with the police, bus operators who have welcomed and praised the introduction of the CCTV vehicles and the contribution it is making to improving road safety.

4.2 As part of the first annual reassessment of the CCTV cars, a number of key areas were looked at as described in paragraph 3.11 above, and assessed against the baseline data available at their deployment date. The enforcement actions were in line with the agreed objectives. The trends summarised below are quite encouraging:

4.3 There were **decreases** in:

- Complaints about residential parking issues
- Complaints about driveway parking
- The number of reportable road traffic accidents involving killed and seriously injured (KSIs)
- Congestion on key routes
- Bus operator complaints about network performance
- Complaints about verge and footway parking; and
- Complaints about cars parked in bus stops and taxi ranks.

4.4 As CCTV cars were complementing the routine operational enforcement by CEOs, the actions taken were expected to lead to the following **increases** in:

- Complaints about receiving a PCN for illegal parking, which previously the driver had got away with
- Complaints from blue badge holders
- Complaints from local businesses operating in residential areas
- The number of appeals; and
- Assaults on CEOs.

4.5 An analysis of the pattern of PCNs issued as a result of observations made by the CCTV car in its first full year of operation, showing the numbers and types, is listed below:

- Total PCNs issued – July to December 2011 – 5,795
- Total PCNs issued – January to June 2012 – 5,277
- First year annual total PCNs issued = 11,072
- 12% of PCNs issued were for bus stop contraventions
- 12% of PCNs issued were for loading bay violations
- 6% of PCNs issued were for school zig-zag contraventions
- 60% of PCNs issued were for yellow line restriction contraventions; and
- 10% of PCNs issued were for other contraventions.

4.6 By way of comparison the overall PCNs issued in the borough is shown below:

- Total PCNs issued for CPE (non CCTV) – approx. 44,000 PCNs issued per annum
- Historic high for DPE – approx. 58,000 PCNs issued per annum
- Informal cancellations – 339 PCNs (0.77% of total); and
- Appeals lost (Adjudication) – 192 PCNs (0.44% of total).

The CPE regulations set out bands of charges and different levels of penalty charge depending on the type of parking contravention. The higher level charge is £70 and the lower level charge is £50, although a 50% discount applies to all

tariffs if paid within 14 days. Similarly, a 50% surcharge applies on all tariffs if paid more than 28 days from the issue date of the Notice to Owner (NtO).

- 4.7 The perception of CCTV cars has often been mis-represented and there have been many accusations against the Council for its use and allegations of selective enforcement in the borough. These have all been investigated and most have had no substance. Those where there have been issues, have resulted in cancellation of the PCN's where appropriate. At the same time, the operational arrangements have been under constant review and changed where necessary to address any concerns. Examples of these are the enforcement of blue badges and the observation time before issuing a PCN.
- 4.8 In addition, there have been a number of inaccurate and unfounded myths regarding the use of the mobile CCTV technology. These have been dispelled and clarified where needed. A few examples of these are:
- The cameras do not work in the rain
 - Only takes photographs
 - Cannot be used in residential streets
 - Hides and lies in wait ("spy cars")
 - It is only there to make money; and
 - Parks on double yellow lines to issue PCNs.

With reference to the issue of parking on double yellow lines, we have clarified the legal position regarding the Traffic Regulation Order (TRO) which allows the vehicles to park in this way in exceptional cases to enforce parking contraventions. We have also firmed up operational guidance for Operators and publicised this to increase public awareness.

5. How does the system operate?

- 5.1 The TMA 2004 recommends that approved devices (such as the mobile CCTV cars) are used only in problem areas where enforcement is difficult or sensitive and CEO enforcement is not practical. For example on school 'keep clear' areas where motorists, on seeing a CEO approaching, drive off only to return and commit the same contravention later. It also stipulates that approved devices should not be used where permits or exemptions which are not visible to the equipment (such as resident permits or Blue Badges) may apply.
- 5.2 The process by which the CCTV cars operate is governed by the adopted CoP, and APCOAs operational procedures. This is summarised below:
- When illegal parking is spotted, the CCTV car driver first finds somewhere safe to park. (We have reviewed the procedures and the CCTV car will only park on double yellow lines to enforce in exceptional circumstance when there is no other viable opportunity to issue a valid PCN. It needs to be noted that the TRO provides CCTV vehicles a special dispensation to park on yellow lines if there is no other suitable place to park, with the exception of disabled person parking bays, suspended bays and taxi ranks)

- The trained operator extends the camera mast arm, allows three minutes of observation time (which is consistent with the policy on parking enforcement) and video footage is gained
- Information including the number plates is recorded too
- The trained operator also notes specifics in a manual log book. This may sometimes involve the CEO driver leaving the vehicle in order to do this
- The cars return to the depot
- The video footage is downloaded
- APCOA perform the first quality control check
- They then perform the second quality control check
- The files are sent electronically to the Councils Parking Management Team for processing; and
- The Council either issues the PCNs, or cancels on compassionate or other grounds, in accordance with approved guidelines.

5.3 The Council aims to ensure that in line with best practice there is transparent criterion for identifying problem areas for deploying the CCTV cars to enforce parking regulations. Problem areas due to known highway user safety concerns (other than loading restrictions and school keep clear zones) must at all times be backed up with evidence to demonstrate why the particular area requires mobile CCTV enforcement.

6. Representations and Appeals

6.1 The Council operates an initial informal appeals process on PCN challenges received. This is unusual as not all Councils do this. The process is carried out by a panel of three officers, including Group Managers and the Parking Manager. The informal appeals panel considers the evidence of each case on its own merits and particular circumstances before making its decision to either cancel the PCN, or uphold it. If the PCN is upheld, the route to appeal is then via the adjudicator at the Traffic Penalty Tribunal (TPT). At the Members Workshop, Members were advised that although they may wish to review the boroughs parking representations policies from time to time to ensure consistency with the published regulations and guidance and to enable the Adjudication process to be followed, it is a common practice that the elected Members should on receipt of any PCN challenges/representations from their constituents, advise them of the formal legal process in this regard and state that such issues are outside the Council's complaints procedure as there is an independent legal process in place.

7. Proposals

7.1 The Members Workshop and indeed the experience of operating this service during the last year has offered an opportunity to reassess the continued use of the CCTV vehicles and where their use can be more effective to deal with residents and Members concerns and complement the core objectives. There are a few areas that have been identified during the reassessment period that require further consideration in terms of building on the successes, or doing things differently to improve the mobile CCTV service. Some of these are:

- Greater focus on the health and safety of vulnerable highway users e.g. outside schools and other highly used pedestrian routes such as pedestrian crossings, locations near hospitals and civic amenity sites
- Impact on traffic congestion, particularly at junctions
- The safety of CEOs during the course of their duties
- Improving journey times (especially for public transport)
- Contraventions of parking restrictions in isolated locations which are operationally difficult to enforce with foot patrols alone; and
- Protection of grass verges and footways.

7.2 It is proposed that mobile CCTV enforcement continues for all the above listed contraventions and that the Council continues to use mobile CCTV enforcement in line with the approach detailed below.

- Where the use of CEOs patrolling on foot would be difficult, sensitive on safety grounds or impractical
- In locations where the CCTV cars can be used to deal with the types of contraventions where a PCN can usually be issued instantly (these being bus stops and zig-zag lines)
- CCTV will not be used in residential parking zones where normal foot patrol is appropriate
- CCTV enforcement will only enforce blue badges if there is no blue badge clearly visible or is incorrectly being used or where there is sufficient doubt about its authorised use, and/or whilst the vehicle is parked in contravention. Where the blue badge is placed upside down in error this will be treated with appropriate discretion by the CCTV car and foot patrols alike.
- Use to enforce loading bays contraventions (This will assist businesses in the Town Centre areas)
- Use on Special Events days to deal with road safety and to maintain free flow of traffic
- Currently CCTV vehicles only operate during Mondays to Fridays (during 9am till 6pm); the operation may be extended to cover weekends if the evidence is there to substantiate their use to enforce any of the above contraventions which cannot normally be undertaken by foot patrol or if it is cost effective to do so through mobile CCTV enforcement. The hours of operation may be extended during the summer period subject to lighting conditions, particularly along the sea front; and
- The use of the CCTV cars may also be extended to cover sea front parking enforcement during the peak seasons, particularly waiting restrictions and illegal cycle and footway parking where feasible.
- Members may also wish to consider the use of automatic number plate recognition (ANPR) within CCTV cars to enforce parking contraventions on the sea front in the Summer periods and also to deal with adolescent drivers behaving dangerously.
- For contraventions at bus stops or where there are curb ticks or clearways, instant PCNs will be issued with no observation periods.

7.3 For parking contraventions of yellow line parking restrictions the CCTV cars will only be deployed in exceptional circumstances, for example where the CEOs are aware that there are persistent contraventions which are observed but

cannot be ticketed due to the nature of the location. This includes locations where car dealers operate and regularly contravene the parking regulations, but either move their vehicles, or cover up the number plates before a CEO has the opportunity to issue a PCN. In these circumstances the deployment of the CCTV cars is more appropriate in dealing with this sort of parking problem.

- 7.4 The report was considered by members of the Economic & Environmental Scrutiny Committee at their meeting on 29th November as part of pre cabinet scrutiny. Members were supportive of the proposals in the report but raised a number of issues that they wanted clarification on. There was concern that the Council would stop enforcing in residential areas where parking restrictions were in place, for example to deter commuter parking – it was confirmed that this would continue. Members also wished to see a balanced approach taken to enforcing and were concerned at the perception that some areas seemed to be being ‘targeted’ by the enforcement vehicles. Members raised the desire to see enforcement times extended in order to deal with particular hot spots and officers agreed to give this due consideration.
- 7.5 The Committee was particularly supportive of the work undertaken to protect school entrances at the beginning and end of the school day.
- 7.6 The Portfolio Holder for Public Protection, Waste and Transport sought the Committee’s views on whether the enforcement vehicles routes should be published on the Council’s website for example – Members were supportive of this proposal but didn’t want to give the impression that other areas would not be subject to enforcement; it was agreed that the information on the website would be more general than give specific times or dates for example.
- 7.7 It is proposed that a list of all problem locations as well as the daily routes are published and regularly updated on the Council’s website giving reasons why the deployment of the CCTV cars is justified in these circumstances/locations. The list will be reviewed and agreed at the regular monthly contract meetings, which are held with APCOA. It is also proposed that residents and Members are given the opportunity to put forward suggestions for locations which should be added to help shape the patrol list for CCTV enforcement.
- 7.8 In order to raise the profile of the service and the role it plays in improving road safety, it is proposed that CCTV cars are used as part of the education and training of school children by visiting schools. It is also proposed that key message such as “saving lives” and other road safety messages are regularly displayed as slogans on these vehicles.
- 7.9 Members of the Committee resolved ‘that the proposals in the report be endorsed for submission to Cabinet for consideration at its meeting on 8th January 2013’.
- 7.10 Opposition portfolio leads have also been briefed on the content of the report

8. Conclusions

- 8.1 It is considered that the first annual reassessment of the CCTV cars in the borough has been successful in meeting its objectives. Lessons have been

learnt and improvements made to deal with the complaints and issues raised in this report and discussed at the Member Workshops in July 2012.

- 8.2 The improvements to CPE in the borough supported by the deployment of mobile CCTV will assist in delivering the broader strategic transport objectives of the Council in line with the Local Transport Plans, the Quality Bus Partnership as well as contribute toward achieving the Councils Vision and Corporate priorities.

9. Other Options

- 9.1 Officers are of the view that the “do nothing” option is not feasible as this approach is not likely to continue to deliver further improvements in terms of road safety, environmental improvement and expeditious traffic flow.

10. Reasons for Recommendations

- 10.1 By agreeing the recommendations the successes of the deployment of mobile CCTV enforcement in the borough will be built upon, delivering further improvements in road safety, the environment and promote the expeditious movement of traffic on the boroughs highway network.

11. Corporate Implications

11.1 Contribution to Council's Vision & Corporate Priorities

- 11.1.1 The improvements in road user sightlines and reduced vehicular conflicts in these areas will lead to a safer local environment. There is also likely to be improvements in the general environment of these areas, with accompanied improvements in air quality and traffic noise.

11.2 Financial Implications

- 11.2.1 Any income generated by the effective enforcement of parking regulations contraventions will be used in line with legislative requirements to cover the costs of enforcement. Under Section 55 of the Road Traffic Regulation Act 1984, any income from CPE can be used to improve highways and road safety in line with this legislation.

11.3 Legal Implications

- 11.3.1 The necessary DfT certifications for continued deployment of the CCTV cars is are in place and are current.

11.4 People Implications

- 11.4.1 None

11.5 Property Implications

- 11.5.1 Neutral

11.6 Consultation

- 11.6.1 Consultation has been addressed in the main body of the report.

11.7 Equalities and Diversity Implications

- 11.7.1 There are no Equalities and Diversity issues raised by this report.

11.8 *Risk Assessment*

11.8.1 None required.

11.9 *Value for Money*

11.9.1 By ensuring that the CCTV cars are engaged in deployment using a strategic list of priority areas with the greatest safety concerns, their deployment will be more effectively utilised and provide more efficient use of a valuable resource, thus providing value for money. It needs to be emphasised that this is not a revenue raising operation.

11.10 *Community Safety Implications*

11.10.1 The CCTV vehicle play an important role through the promotion of road safety and responsible parking.

11.11 *Environmental Impact*

11.11.1 Improvements in enforcement of parking contraventions throughout the borough will ensure there are better road user sightlines at road junctions and less congestion therefore less vehicular/vehicular and vehicular/pedestrian conflicts will occur, thus leading to a safer and less congested environment.

12. **Background Papers**

12.1 1 – ‘Improvements to the Civil Parking Enforcement Arrangements in the Borough Report to Cabinet and Members of the Council’ on the 11th January 2011, and to the Economic & Environmental Scrutiny Meeting on the 3rd February 2011.

2 – Southend on Sea Code of Practice on the Operation of CCTV Enforcement Cameras, (CoP).

13. **Appendices**

13.1 None