

TITLE OF REPORT: Civil Bus Lane Enforcement in Gateshead

REPORT OF: Paul Dowling, Strategic Director, Communities & Environment

Purpose of the Report

1. To seek Cabinet approval to introduce civil enforcement of bus lane traffic contraventions in Gateshead and to recommend to Council that it sets a charge level for the contraventions and nominates one of its Councillors to the Bus Lane Adjudication Joint Committee.

Background

2. A move to more sustainable modes of travel is a key focus of local, regional and national transport policy. Bus use per capita remains higher in North East England than in any other region of the country outside London. Although that figure has declined over the last decade, a significant factor in encouraging people to make sustainable travel choices is ensuring that services are able to run as efficiently as possible, especially on key routes. Effective enforcement will lead to service improvements and should in turn lead to increased bus use.
3. The Council received the statutory power to undertake bus lane enforcement in 2007, at the same time as our civil parking enforcement powers were granted. These powers are in addition to those held by the Police. However, our bus lane enforcement powers have never been utilised and the power to enforce bus lanes within the Borough has fallen to the Police alone.
4. Regulations enable traffic authorities to allow certain classes of vehicles other than buses to use bus lanes without the need for special authorisation. Councils introducing bus lane enforcement should therefore determine their general approach to such exceptions.
5. Prior to commencement, the Council must approve one of two options for the level of the penalty charge (either £60 or £40) and that decision must then be submitted to the Secretary of State for ratification. The Council must also formally appoint one of its members to the Bus Lane Adjudication Joint Committee, in the same way that it has to the PATROL Joint Committee in relation to Civil Parking Enforcement.
6. Enforcement would initially be by means of the Council's existing approved mobile CCTV vehicle, but it is expected that a system of fixed CCTV cameras would be utilised once driver behaviours become clearer.
7. A new Traffic Regulation Order will be required to re-designate the bus lanes and the classes of vehicle authorised to use them.
8. National guidance exists in relation to what exemptions should apply, and it is proposed to follow this guidance unless there are clear reasons to depart from it.

Proposal

9. It is proposed that Gateshead Council commences bus lane enforcement with effect from 1 November 2016.

Recommendations

10. It is recommended that Cabinet:
- (i) Agrees to the introduction of civil bus lane enforcement in Gateshead with effect from 1 November 2016 (or as soon thereafter as practicable, subject to completion of the statutory processes) on the basis of the key principles outlined in Appendix 2;
 - (ii) Agrees to appoint the Cabinet Member for Environment and Transport to the Bus Lane Adjudication Joint Committee;
 - (iii) Recommends Council to approve the Code of Practice relating to the use of CCTV for Civil Parking and Bus Lane Enforcement and connected purposes, as set out in Appendix 4;
 - (iv) Recommends Council to amend the Constitution to give delegated authority to the Service Director, Development, Public Protection and Transport Strategy to carry out the statutory procedure to introduce and operate civil bus lane enforcement and to make such technical amendments to the Council's Code of Practice for CCTV Enforcement as may be required to comply with changes to national legislation or guidance, or decisions of the Traffic Penalty Tribunal.
 - (v) Recommends Council to set the level of Penalty Charge for bus lane contraventions at £60.

For the following reasons:

- (i) To improve the reliability of local bus services, and thereby encourage greater use of buses;
- (ii) To comply with the relevant statutory and procedural requirements;
- (iii) To ensure enforcement can commence with effect from 1 November 2016;
- (iv) To improve consistency in enforcement.

Policy Context

1. The proposal supports the “Sustainable Gateshead” strand of Vision 2030 by facilitating and encouraging more sustainable travel options. It will also address some of the traffic congestion problems set out under “Gateshead the Place” within the 2015-2020 Council Plan.
2. The proposal will directly address the need to enforce bus priority lanes set out in the Tyne and Wear Local Transport Plan for 2011-2021.

Background

3. A move to more sustainable modes of travel is a key focus of local, regional and national transport policy. Bus use per capita remains higher in North East England than in any other region of the country outside London. Although that figure has declined over the last decade, a significant factor in encouraging people to make sustainable travel choices is ensuring that services are able to run as efficiently as possible, especially on key routes. Effective enforcement will lead to service improvements and should in turn lead to increased bus use.
4. The Council received the statutory power to undertake bus lane enforcement in 2007, at the same time as civil parking enforcement powers were granted. These powers are in addition to the powers held by the Police. However, the bus lane enforcement powers have never been utilised and the power to enforce bus lanes within the Borough has fallen to the Police.
5. Work is ongoing to review the Borough’s existing network of bus lanes to ensure that they remain fit for purpose in the current form and that they comply with the statutory requirements for bus lanes set out in legislation. A review of the existing legal orders has also taken place and a new Traffic Regulation Order is being prepared to give legal effect to those which are in need of enforcement.
6. When creating a bus lane, the Council must decide whether the use by buses only should apply at all times or only at certain times of the day or on certain days. It must also decide whether to allow buses alone to use it or whether to allow certain other classes of vehicle to do so as well.
7. However, standard signs contained within the Traffic Signs Regulations and General Directions allow either for buses/local buses only to use bus lanes, or for the following additional classes of vehicles to use them:
 - a. Cycles
 - b. Motorcycles
 - c. Taxis (hackney carriages only)
8. Vehicles being used for police, fire or ambulance purposes are exempt from the bus lane restriction without the need for signage. However, if the Council wishes to exempt any other class of vehicle, that exemption must be incorporated within the bus lane entry sign. The usual way of doing this would be for the sign to include the words “authorised vehicles” and the Council must then take steps to ensure that

such classes of vehicles know whether or not they are authorised for these purposes.

9. The DfT guidance document *Keeping Buses Moving* (Local Transport Note 1/97, which remains in effect) makes it clear that great care must be taken when deciding to allow classes of vehicles other than those listed above to use bus lanes. The document specifically states that use of bus lanes by private hire vehicles is not recommended and it is not proposed that the Council depart from this guidance.

Level of Penalty Charge

10. The DfT guidance on bus lane enforcement in England sets out the options open to Local Authorities in relation to setting the level of the Penalty Charge Notice (PCN). The levels of PCN's relating to bus lanes are £40 or £60, and the amount payable is reduced by 50% if paid within 14 days of service of the PCN. This report proposes that the Council sets the level of PCN at £60.00, (£30.00 if paid within 14 days of service). This proposal is made for the following reasons:

- The objective of bus lane enforcement in the Borough is to improve compliance in the use or non-use of bus lanes, which will in turn improve the Borough's bus services.
- Setting the level at the higher amount will provide the maximum deterrent to drivers.
- Similar parking contraventions are set at the higher level and therefore setting a similar level for bus lane contraventions will provide a consistency in enforcement penalties. To set the level for bus lane PCNs any lower than £60 may lead to the perception of inconsistency between enforcement penalties and could engender public perception that a bus lane contravention is a "lesser offence" than a parking contravention, therefore having a negative impact on compliance.

11. Section 16 of the Traffic Management Act 2004 imposes a *duty* on the Council, as local traffic authority, to manage its road network with a view to achieving, so far as may be reasonably practicable, having regard to its other obligations, the following objectives:-

- securing the expeditious movement of traffic on the authority's road network; and
- facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.

12. A statutory Notice advising the public of the introduction of civil enforcement of bus lanes will be published in the press not less than 14 days before enforcement commences.

Consultation

13. The Cabinet Members for Environment and Transport and the Leader of the Council have been consulted about these proposals and are in agreement that civil bus lane enforcement should be introduced in Gateshead.
14. The Chief Officer of Northumbria Police and a range of other organisations were also consulted; these are listed in Appendix 3. None of those who responded opposed the fundamental proposal to commence civil enforcement of bus lane contraventions.
15. Implementation of Civil Bus Lane Enforcement in Gateshead formed part of the Council's public budget consultation.
16. Representations have been received from the National Blood Service and others asking whether they might be permitted to travel in our bus lanes. Many of these organisations will be covered by standard exemptions, and the circumstances in which these may apply will be communicated to the relevant organisations nearer to implementation.

Alternative Options

17. The Council is under no statutory obligation to undertake any enforcement of its bus lanes. However, it is unlikely that Northumbria Police will be willing to devote significant police resources to this in the future, and bus lanes across the borough would therefore effectively become merely advisory.

Implications of Recommended Option

18. Resources

- a. **Financial Implications** – The Strategic Director, Corporate Resources, confirms that the cost of introducing and operating bus lane enforcement will be met from the penalty charge income received.
- b. **Human Resources Implications** – In the longer term, the generation of significant numbers of penalty charge notices may place added pressure on the appeals function within the Parking Services team. Staffing levels will therefore need to be kept under review.
- c. **Property Implications** – None

19. **Risk Management Implications** – Failure to carry out civil enforcement of bus lanes is likely to result in them becoming increasingly abused. To minimise the risk of legal challenge, the Strategic Director, Corporate Services and Governance, recommends adherence to national guidance unless there are clear and overriding reasons for departing from it.

20. **Equality & Diversity Implications** – None. Implementation of civil bus lane enforcement will particularly support the reliability of and access to bus services, which are often particularly valuable to disabled travellers.

21. **Crime & Disorder Implications** – The introduction of Civil Bus Lane Enforcement will enable the police to use any time currently spent dealing with bus lane contraventions on more core policing tasks.

22. **Health Implications** – None

23. **Sustainability Implications** – Implementation of the proposal will make bus services more reliable and therefore encourage greater use of such services.

24. **Human Rights Implications** – None. The Strategic Director, Corporate Services and Governance, confirms that bus lane enforcement will operate within a statutory framework.

25. **Area & Ward Implications** – All wards with bus lanes will be affected.

GATESHEAD COUNCIL**Key Principles of Bus Lane Enforcement in Gateshead**1. Introduction

Bus lanes are a key tool in helping buses to run on time and thereby encouraging more people to choose to travel by bus rather than by car. However, bus lanes which are not enforced risk becoming little more than advisory lanes, with consequent abuse leading to delayed buses and frustration by those motorists who do follow the rules.

Secondary legislation passed in 2007 gave Gateshead Council the power to undertake civil parking enforcement. In line with normal practice, separate regulations passed at the same time granted us the statutory power to carry out enforcement of our bus lanes. Whilst we have utilised our parking enforcement powers, we have not done so in relation to bus lanes.

2. Legal and policy context

The power to carry out civil bus lanes enforcement derives from s144 Transport Act 2000 and regulations issued pursuant to it. These govern all aspects of civil enforcement, from the technology which may be used to the form of notices to be issued. More detailed guidance deals with how the enforcement and associated appeals process should operate and the type of vehicles which should normally be allowed to use the bus lanes.

At a local level, Vision 2030 seeks to create a Sustainable Gateshead by improving how we travel. That in turn supports the objectives of the current Tyne and Wear Local Travel Plan, which actively encourages constituent councils to undertake enforcement of their bus priority lanes in order to improve the reliability of buses.

In order to be capable of enforcement, a bus lane must be designated as such by a Traffic Regulation Order. It must also be marked and signed in accordance with the prevailing version of Traffic Signs Regulations and General Directions. Traffic engineers are in the process of reviewing our bus lanes to ensure that they are both compliant and fit for purpose. Before enforcement can be undertaken, motorists must be clearly able to tell whether or not they are allowed to travel in a bus lane.

Local Transport Note 1/97 makes it clear that cyclists should normally be permitted to use bus lanes where no dedicated alternative facilities exist. This is because it is considered safer for them to travel in bus lanes because they remain adjacent to the kerb. However, because of the greater risk to pedestrian safety, the guidance says that motorcyclists should not normally be granted such an exemption.

Hackney carriages may also be allowed to use bus lanes where the circumstances warrant it (such as where their occupancy rates are particularly high), but vehicles must be easily identifiable. However, the guidance makes it clear that allowing private hire vehicles to benefit from the same exception is not recommended.

3. Pre-implementation

The existing bus lanes in the Borough have been reviewed to ensure they are both enforceable and fit for purpose, focusing on those where enforcement is likely to be necessary. As part of that process, consideration has been given in each case to whether the bus lane should be available for use by buses alone or whether cyclists and/or hackney carriages should also be allowed to use them. To reduce the risk of legal challenges to the validity of our bus lanes, it is proposed to grant only those exceptions which are recommended within the national guidance.

A new Traffic Regulation Order will need to be made prior to the commencement of civil bus lane enforcement. Bus lanes may be changed or created by subsequent amendments to that legal order.

The Council only has the legal power to undertake bus lane enforcement on those roads for which it has been granted civil parking enforcement powers. Application has therefore been made to the Secretary of State for Transport for an Order granting us civil enforcement powers over those roads in respect of which the Council is the Highway Authority where such consent had not been previously been given (such as the A184).

The equipment used to carry out camera-based enforcement in bus lanes must be "type approved" and the Council must be in possession of an appropriate certificate for that purpose. The Council's existing CCTV enforcement vehicle is currently used exclusively for parking violations. However, a Certificate has also been issued enabling its use for bus lane contraventions and it is therefore proposed to use it for civil bus lane enforcement in the first instance.

Consultation has taken place with a range of organisations. Whilst the response rate was low, none of those responses objected to the principle of civil enforcement.

The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005 (as amended) require the Council to choose whether to set the level of the penalty charge at either £40 or £60. That decision must then be approved by the Secretary of State for Transport before it can be implemented. Few authorities use the lower level, and a 50% discount is in any case available where payment is made within 14 days. It is proposed that a charge of £60 be applied in Gateshead because that level is considered to be a more effective deterrent.

Before enforcement can begin, an awareness campaign will take place in accordance with the national guidance. Whilst the Council's Communications Team will lead in relation to this, there is a legal requirement to publish the level of charge and the intention to apply it in at least one local newspaper.

Although it operates under different legislation (the Transport Act 2000, rather than the Traffic Management Act 2004) the enforcement and appeals processes relating to bus lanes are almost identical to those relating to parking enforcement. Notice processing and appeals will therefore be handled within the Parking Services team within Communities and Environment using the same back office IT system, although separate processes and accounts will be required.

A formal process will be devised governing how contraventions will be detected and notified to motorists, together with a process for considering appeals and a formal scheme of delegation in that regard. Given the similarity of the legislation, it is likely to mirror the process for parking enforcement and appeals.

The enforcement process will be governed by the Code of Practice set out in Appendix 5 below. This is particularly necessary because of the intended future use of fixed CCTV cameras.

4. Post-implementation

The current team is thought likely to be able to cope with initial workloads generated. However, the experience of other councils who already operate civil bus lane enforcement suggests that a significant increase in volumes is likely in the future if and when fixed cameras are installed and large numbers of contraventions are detected. An incremental approach to roll-out is therefore preferred so that the work can be properly managed and legal requirements and timescales complied with.

Once compliance levels and travel patterns become clearer, it is anticipated that a system of fixed cameras will be used and an appropriate procurement exercise would take place at that time. The approximate cost of each operational unit is currently in the region of £20,000, and it is therefore likely that a mixture of interchangeable real and “dummy” units will offer the appropriate balance between cost and flexibility.

Traffic flows at locations covered by bus lane enforcement will be monitored to ensure that enforcement is effective in delivering the expected improvements in compliance. Bus lanes may subsequently be added to or removed from the Traffic Regulation Order based on changing patterns of demand, particularly in response to the creation of deletion of key bus services.

APPENDIX 3 CONSULTATION

The Council's 2015-17 public budget consultation included Civil Bus Lane Enforcement as one of the options.

The organisations listed below were specifically consulted on 11 June 2015 with regard to the proposal to begin civil bus lane enforcement:

- Neighbouring Highway Authorities
- Cycling Touring Club
- Arriva
- Freight Transport Association
- Gateshead Access Panel
- Go North East
- Highways England
- Living Streets
- North East Ambulance Service
- Nexus
- Northumbria Police
- Road Haulage Association
- Stagecoach North East
- Sustrans
- Tyne and Wear Fire and Rescue Service

The above consultees were asked to respond by 9 July 2015. Whilst any pertinent comment was invited, they were particularly asked to respond to the following questions:

- Whether they thought it would have a positive or negative impact on the highway network and would improve accessibility
- Whether there are any bus lanes which they considered particularly problematic
- The extent to which bicycles and hackney carriages should be allowed to use bus lanes
- What impacts they thought there might be on their own organisation



Code of Practice

relating to the use of

**Closed Circuit Television (CCTV) Cameras
for Civil Parking and Bus Lane Enforcement
and connected purposes**

June 2016

Document Control

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1. Definitions used in this Code of Practice

In this Code:

- “1998 Act” means the Data Protection Act 1998
- “2000 Act” means the Regulation of Investigatory powers Act 2000
- “2012 Act” means the Protection of Freedoms Act 2012
- “Overt surveillance” means any use of surveillance for which the authority does not fall under the 2000 Act
- “public place” has the meaning given by Section 16(b) of the Public Order Act 1986 and is taken to include any highway and any place to which at the material time the public or a section of the public has access, on payment or otherwise, as of right by virtue of express or implied permission.
- “Relevant Authority” has the meaning given by Section 29(6) of the 2012 Act and is taken to include (a) CCTV or automatic number plate recognition systems; (b) any other systems for recording or viewing visual images for surveillance purposes; (c) any systems for storing, receiving, transmitting, processing or checking images or information obtained by (a) or (b); (d) any other systems associated with or otherwise connected with (a), (b) or (c).
- “System operator” means person or persons that take a decision to deploy a CCTV system and/or are responsible for defining its purpose, and/or are responsible for the control of the use or processing of images or other information obtained by virtue of such a system.
- “System User” means person or persons who may be employed or contracted by the system operator who have access to live or recorded images or other information obtained by virtue of such a system.
- “System owner” means Gateshead Metropolitan Borough Council.

2. Purpose and Scope of this Code of Practice

This Code of Practice is intended to set out the reasons for the use of Closed Circuit Television (“CCTV”) for the civil enforcement of parking and bus lane contraventions within the Borough of Gateshead. It also sets the framework within which such enforcement will operate.

This document covers the use of CCTV equipment by Gateshead Metropolitan Borough Council (“Gateshead Council”) for the purposes of civil bus lane enforcement and civil parking enforcement. It also covers the use of CCTV equipment within car parks which are under Gateshead Council’s control where that equipment is intended to prevent damage to the Council’s parking infrastructure, or to assist in the detection of offenders who are suspected of having an involvement in any such damage.

In the context of this document, CCTV equipment may either be mobile (vehicle mounted, whether the vehicle is moving or stationary) or static (mounted on fixed posts).

The CCTV equipment will only be used in accordance with this Code of Practice and any management protocols issued pursuant to it. The processes adopted in relation to the issuing of Penalty Charge Notices and the handling of appeals must be similarly compliant.

The equipment is intended to be used to view activity on the highway or in public car parks under the control of Gateshead Council. It will not be used to invade the privacy of any person in domestic, business or other premises, buildings or land.

For the purposes of the 1998 Act, the “data controller” is Gateshead Council.

In the event of any discrepancy between the requirements of this Code of Practice or any primary or secondary legislation, the legislation will have primacy over anything contained herein.

3. Commitment and Responsibility

This Code has been developed on the basis of the statutory and policy framework in place at the time it was written and is intended to complement that legislation and national guidance.

Gateshead Council is committed to ensuring that all data captured by the CCTV cameras referred to in this Code is processed fairly and in accordance with the law. Appropriate security measures will be taken to prevent unauthorised access to, or the alteration, loss, disclosure or destruction of, personal data.

4. Statutory and Policy Background

Civil *parking* enforcement in England (outside London) is governed by Part VI of the Traffic Management Act 2004 and Regulations issued pursuant to it. Gateshead Council is authorised to undertake such enforcement by Regulations issued pursuant to that Act.

Civil *bus lane* enforcement in England is governed by section 144 of the Transport Act 2000 and Regulations issued pursuant to it. Gateshead Council is authorised to undertake such enforcement by The Bus Lane Contraventions (Approved Local Authorities) (England) Order 2005, as subsequently amended to include Gateshead.

The primary purpose of any surveillance system used as part of civil enforcement arrangements is the safe and efficient operation of the road network by deterring motorists from contravening parking or road traffic restrictions. Use of the surveillance system must always be for a specified purpose, which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.

Where there is any conflict between this code and the secondary legislation made under the Traffic Management Act 2004 or the Transport Act 2000 relevant to those functions or statutory guidance issued under Section 87 of the Traffic Management Act 2004, the provisions made in or under the Traffic Management Act 2004 and the Transport Act 2000 shall apply.

Both parking and bus lane enforcement will be undertaken in such a way as to support the transport policy objectives of both Gateshead Council and the North East Combined Authority, as expressed within the Local Transport Plan.

5. Use of CCTV Cameras for Enforcement

As indicated above, Gateshead Council is authorised to enforce a number of parking restrictions, as well as bus lane contraventions, throughout the Borough of Gateshead. Parking contraventions are usually dealt with by Civil Enforcement Officers (CEOs) affixing Penalty Charge Notices (PCNs) to vehicles, or handing them to drivers.

Additionally, however, the legislation does allow such PCNs to be issued by means of an “approved device” (CCTV) when it is difficult, sensitive or impractical for PCNs to be served in the usual way.

Gateshead Council routinely uses a vehicle-mounted CCTV system to undertake enforcement on “school keep clear” zig zags and on bus stop clearways. For a range of reasons, it is not considered practical for officers to serve such PCNs on foot. Bus lane contraventions, on the other hand, will always be dealt with by an approved CCTV device.

Gateshead Council is in possession of Approved Device Certificates issued on behalf of the Secretary of State for Transport enabling its vehicle-mounted CCTV equipment to undertake both parking and bus lane enforcement. Any fixed CCTV equipment acquired in the future will also necessarily be covered by an appropriate Approved Device Certificate.

Parking restrictions are intended to manage traffic by targeting indiscriminate and dangerous parking, which in turn leads to:

- Road safety improvements for pedestrians, cyclists and motorists
- Less inconvenience to residents
- Reduced traffic congestion
- Clearer roads for emergency and delivery vehicles

Parking contraventions will be detected and evidence gathered using the CCTV equipment mounted on a vehicle liveried to indicate that CCTV enforcement is taking place. The images produced will be used by appropriately trained and experienced staff to identify parking contraventions, after which the details of the vehicle’s registered keeper will

be obtained and a PCN issued. *A PCN will never be issued without such a review having taken place.*

Signs indicating that camera enforcement is in operation will also be visible at or near all restrictions where CCTV enforcement is carried out.

The CCTV enforcement vehicle will be capable of operating in two modes: “Attended” (where a CEO must be present) or “Unattended” (where a CEO need *not* be present). The system is designed so that the enforcement vehicle can be either driven or parked at an appropriate location with the camera surveying and recording data without a CEO being present.

The camera will be positioned to detect and capture evidence of parking contraventions and will not be used to invade the privacy of any persons in domestic, business or other private premises, buildings or land.

Bus lanes are intended to manage traffic in order to:

- Improve journey times, particularly buses
- Improve bus punctuality
- Support national, regional and local policies by encouraging more sustainable travel choices

Bus lane contraventions will be detected and evidence gathered by a static camera located on site or by a camera mounted on the mobile enforcement vehicle. As with parking contraventions, the images produced will be used by appropriately trained and experienced staff to identify bus lane contraventions, after which the details of the vehicle’s registered keeper will be obtained and a PCN issued. *Again, a PCN will never be issued without such a review having taken place.*

In all cases, the regulations governing civil parking and bus lane enforcement via the use of a CCTV camera system require PCNs to be sent by post. By definition, therefore, PCNs for contraventions detected using CCTV equipment will never be placed directly on the vehicle, nor will they be handed to the person in charge of the vehicle.

6. Ownership, Control and Release of Images

All images (both still and moving) made using the CCTV equipment are, and will remain, the property of Gateshead Council. Such images will be held in an appropriately secure, restricted-access location, although this will normally be an electronic rather than physical store.

The recordings of alleged contraventions will be reviewed by appropriately trained staff with the required knowledge and understanding of parking and bus lane contraventions. They will review the recording through password protected desktop computers which cannot be accessed by unauthorised staff.

A determination will then be made as to whether or not a PCN ought to be issued on the basis that a contravention appears to have occurred. Where the image includes personal details of a party other than the recipient of the PCN, these details will be obscured before a copy of the image is released.

Once a decision has been taken **not** to issue a PCN in relation to a particular case, the relevant images will be deleted as soon as reasonably practicable.

Although the Council is under no legal obligation to do so, the Council would normally include a web address on the PCN to enable the recipient to review the still images obtained from the footage. Moving images will also be available for review in person, with sufficient notice and at a mutually convenient time, by appointment at Gateshead Civic Centre (although it should be noted that the progression timescales set out in the legislation are not altered by such requests).

Images will only be copied and/or released with the express agreement of an appropriately designated senior officer. Moving footage will not normally be copied. Where the Council exceptionally agrees to this, a fee will be payable in accordance with prevailing Data Protection Act rules. Any data captured by the CCTV systems will not be released to, or made available for viewing by, any person other than in the specific circumstances described below:

1. **To the recipient of the PCN (or their representative, appropriately appointed in writing).** Where the Council accepts that they are unable to view images online, the Council will comply with a written request to be provided with still images from the data captured by the “approved device” or to view the recordings within a reasonable time via a Subject Access Request. The Council will arrange for the viewing of the recording to take place in an appropriate area within Gateshead Civic Centre at a mutually convenient time during the Council’s normal office hours.
2. **To authorised Council staff in order for parking or bus lane enforcement activity to take place.** This will include all activities associated with the issuing and processing of PCNs, as well as the processing of representations and appeals and the submission of evidence to the Traffic Penalty Tribunal (TPT).
3. **Where the data is required by a law enforcement agency** (such as the Police). Any recording released to such an agency shall only be used for the purposes specified and identified when requested by or released to that agency.
4. **As directed by a Court.**
5. **To allow an audit to take place,** whether (internal or external).
6. **For training purposes,** in relation to officers engaged in parking or bus lane enforcement in any way.

7. Data Protection Requirements

All personal data obtained via the CCTV equipment will be processed fairly and lawfully and it will only be processed and used so as to achieve the stated objectives of the scheme.

In the context of this Code of Practice, Gateshead Council is particularly mindful of *the right to respect for private and family life* set out in Schedule 1 to the Human Rights Act 1998.

All data will be processed, held and disclosed in accordance with the principles of the 1998 Act. To summarise, these principles include (but are not limited to) the following:

- All personal data will be obtained and processed in a fair and lawful manner;
- Personal data will be held only for the purpose specified;
- Personal data will be used only for the purpose, and disclosed only to the people, shown within this Code of Practice;
- Only personal data necessary and relevant for the purpose for which they are required will be held;
- Reasonable steps will be taken to ensure that personal data which is held is accurate and, where necessary, up to date;
- Personal data will be held no longer than necessary;
- Individuals will be allowed to access to information held about them in accordance with the law and this Code of Practice
- Where personal data is wrong or no longer required to be held, individuals will be entitled to request that it be corrected or erased, as appropriate;
- Satisfactory security measures will be implemented to prevent unauthorised or accidental access to, or the alteration, loss, disclosure or destruction of, personal data;

8. Information requests

Any request from an individual for the disclosure of personal data which is reasonably believed to have been recorded by the Council's CCTV equipment should be made by way of a Subject Access Request and directed in the first instance to Parking Services. If it is not possible to comply with the request without identifying another individual, permission from all parties must be considered in accordance with the requirements of the legislation. Anyone submitting such a request will need to prove their identity to the Council's satisfaction (including the provision of supporting documentation) before any data will be released.

Any request made under the Freedom of Information Act 2000 in relation to any material captured, stored or retained as a result of the use of CCTV cameras for civil parking and bus lane enforcement will be considered

having full regard to any relevant personal data or other exemptions that allow the Council to withhold information. Requests of this nature should be made via the Council's standard [Freedom of Information](#) process.

9. Disposal of Images and Associated Records

Images and associated records will be periodically deleted or physically destroyed once they are no longer required. In particular:

- Images that are not reviewed, issued or rejected within 4 weeks of capture will be deleted from the system;
- Images relating to potential offences that have been rejected and a PCN not issued will be deleted after 13 weeks since the date the images were captured;
- Images and records relating to PCNs that have been issued will be deleted after 18 months since the contravention was detected, but they may be held for up to 30 months where the Council reasonably believes there may be a continued need to refer to them;
- Images or records required in connection with the detection or prosecution of criminal offences may be retained for as long as reasonably required, subject to any statutory time limit

10. Scheme control and delegation

The civil enforcement of parking and bus lane contraventions by means of an Approved Device will be carried out from within the Council's Transport Strategy Service, as with other parking enforcement, under the control of the Service Director responsible for that service. The Service Director will delegate day to day operation of the scheme to appropriate officers within the Parking Services Team, and may issue Protocols in compliance with this Code of Practice to regulate the operation of the scheme.

11. Amendment of this Code of Practice

The Strategic Director, Communities & Environment, having consulted the Cabinet Member for Environment & Transport, may make such amendments to this Code of Practice as are necessary to correct any typographical errors or to bring it into line with any changes in primary or secondary legislation.