

Title of meeting: Cabinet Member for Traffic & Transportation

Date of meeting: 28th September 2017

Subject: Use of Camera Technology to improve Road Safety and Network Management

Report by: Director of Transport, Environment and Business Support

Wards affected: All Wards

Key decision: No

Full Council decision: No

1. Purpose of report

To provide the Cabinet Member with an update on the current use of camera technology in the city as it relates to the Traffic and Transportation portfolio. This includes bus lane and school zig zag enforcement as well as the use of the city's CCTV camera network.

The report will also make recommendations as to the future use of these various technologies.

2. Recommendations

2.1 That the Cabinet Member notes the current use and effectiveness of camera technology for the benefit of enforcement and network management and approves the continued use of such technology.

2.2 That the Cabinet Member approves the purchase of additional cameras and associated equipment that will facilitate the deployment at additional sites; the locations and purpose of which will be agreed by the Cabinet Member in consultation with officers

2.3 That the Cabinet Member instructs the Director of Transport, Environment and Business Support to carry out a study to identify how better equipped the city's road network should be so far as visual and virtual technology and for a report on the findings, including associated costs, to return to a future Decision meeting.

3. Background

3.1 Bus Lanes Enforcement

Bus lanes are provided across the city's carriageway network to facilitate the improved movement of buses and other authorised vehicles. The use of the bus lanes by those not authorised to do so can have a detrimental impact on the free running of public transport where people rely upon a punctual service.

In November 2015, Portsmouth City Council took over the role of bus lane enforcement from Hampshire Constabulary.

The enforcement of any inappropriate use of bus lanes has, since December 2015, been undertaken by static cameras that are capable of being re-positioned depending upon requirements.

Details of current and past camera locations and the number of Penalty Charge Notices (PCNs) issued can be found in Appendix A.

3.2 School Zig Zag Enforcement

School entrance markings, commonly referred to as 'zig zags', are in place to ensure the road safety of children going to and leaving school.

Road safety is a priority for the city council and it takes this responsibility very seriously, especially outside schools. In this respect, 60% of the Civil Enforcement Officers (CEOs) duty time each day is allocated to cover certain schools at their start and finish times to prevent drivers parking on zig zags as they drop off or collect pupils.

Despite this attention to the problem of illegal parking, it remains a significant issue at many schools across the city and, indeed, at too many locations for the available CEO resource to tackle every day.

Consequently, on 5th July 2016, the Cabinet Member for Traffic and Transportation at the time, Cllr Jim Fleming, approved the purchase of 2 specialist cameras enabling the deployment of suitable technology at priority school sites across the city.

Like the bus lane cameras they are capable of being re-positioned depending upon requirements and are being regularly moved, on a term by term basis to new locations.

Details of these cameras and the number of Penalty Charge Notices (PCNs) issued can be found in Appendix B.

3.3 Network Management operations

Currently, the city's primary carriageway network is monitored using the existing CCTV cameras and recently the city council opened a 'state of the art' Traffic Management Centre which ensures that the best use is made of the information this equipment and other technologies provide and enable effective operational attention is given to the city's main roads.

However, the existing CCTV system was not primarily designed to be a Road management tool and there are locations where 'eyes on the ground' in a traffic sense could be much improved.

It is therefore timely for the Cabinet Member for Traffic and Transportation to ask the Director to carry out a study to identify how better equipped the city's road

network should be so far as visual and virtual technology. Within a future report will be an assessment of cost for the purchase, installation and maintenance of both permanent and temporary traffic cameras and other associated technology such as sensors.

3.4 Additional Temporary Cameras

It has also proven extremely useful to deploy temporary cameras to locations such as roundabouts and traffic junctions in order to monitor activity and behaviour on the carriageway. The city council highways team do not currently have this camera technology within their ownership, instead relying on renting equipment required which can be a more expensive option.

4. Current Position

With regard to Bus Lane enforcement, the technology has proven to be a very effective means of detecting and minimising bus lane contraventions at various locations. An additional camera would allow further deployments to address known places of transgression.

As can be seen from the graph in Appendix A, there is a general downward trend of PCNs issued in all of our four sites. This indicates increasing compliance which has enabled the positive impact on public transport that was intended.

So far as the behaviour and enforcement on school zig zag sites is concerned, the cameras have definitely had a positive impact.

Whilst in place, the cameras have shown increased compliance to the restrictions, both in practice and in perception. This has had a positive impact on road safety at these locations and is certainly a meaningful addition to our normal enforcement practices where we rely on the attendance of a CEO. In practice, it also allows for additional attention on those schools not covered by a camera, increasing the rotation in which they receive a visit.

However, the feedback from the early installation sites indicates that, since their removal, the behaviour of parents has reverted to prior to their introduction.

Clearly the number of sites that can benefit from this enforcement technology far outweigh the equipment that is currently available and it is therefore recommended that an additional (YY) cameras be purchased and deployed within the same agreed programme for the existing kit.

Additional resources will allow further sites to be covered simultaneously and support our road safety priority and vulnerable road users.

With regard to the temporary location cameras, it is recommended that the necessary equipment to be deployed, often at short notice, is acquired by purchase or lease subject to a financial appraisal to confirm the correct, value for money position.

6. Equality Impact Assessment (EIA)

An equality impact assessment is not required as the recommendation does not have a negative impact on any of the protected characteristics as described in the Equality Act 2010. These include Age, Disability, Race, Transgender, Gender, Sexual orientation, Religion or belief, relationships between groups, and other socially excluded groups.

7. Legal Implications

The Council is responsible for the enforcement of parking contraventions and bus lane contraventions in the City of Portsmouth, including prohibition of stopping vehicles on or near pedestrian crossings. As part of its enforcement powers it can consider the use of surveillance camera systems or CCTV in exercising those functions.

The use of CCTV cameras for civil enforcement of bus lane contraventions is permitted by section 144 of the Transport Act 2000 and is subject to the provisions of the Bus Lanes (Approved Devices) (England) Order 2005, which describes devices that are approved for these purposes.

There is also a general power under the Highways Act 1980 for the local highway authority to install and maintain in or near a highway structures and equipment for the detection of traffic offences. The Council is also under a duty under the Traffic Management Act 2004 to secure the safe and expeditious movement of traffic in the City and to monitor its road network and shall make such arrangements as they consider appropriate for planning and carrying out the action to be taken in performing the network management duty.

The use of CCTV cameras for enforcement of other parking contraventions is governed by Regulation 6a of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (S.I. 2007/348) (made pursuant to section 72 of the Traffic Management Act 2004 ('TMA')) and the Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007.

All CCTV cameras used for civil enforcement must meet the requirements of "approved devices" as described in the above orders.

The Department for Transport has published "Traffic Management Act 2004 - Operational Guidance to Local Authorities: Parking Policy and Enforcement March 2015" (available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496987/operational-guidance.pdf), which sets out guidance on choice and certification of devices for camera enforcement and on operating CCTV cameras to enforce road traffic contraventions.

The Government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- (a) In pursuit of a legitimate aim;
- (b) Necessary to meet a pressing need;

- (c) Proportionate and effective; and
- (d) Compliant with any legal obligations

The Home Office Guidelines set out 12 guiding principles which local authorities should adopt when considering the use of surveillance camera systems for overt surveillance. These can be found in the Code of Practice issued by the Home Office under the Protection of Freedoms Act 2012 - "Surveillance Camera Code of Practice, June 2013", which can be found at <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice>.

The primary purpose of any surveillance system must be the safe and efficient operation of the road network by deterring motorists from contravening parking or road traffic restrictions. Such systems should only be deployed where other means of enforcement are impractical and their effectiveness is subject to regular review.

"The Traffic Management Act 2004 - The Secretary of State's statutory guidance to Local Authorities on Civil Enforcement of Parking Contraventions, 2016" (available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/609788/statutory-guidance-local-authorities-enforcement-parking-contraventions.pdf) recommends that, in relation to enforcement of parking at bus lanes and zig-zag areas outside schools, "approved devices are used only where enforcement is difficult or sensitive and enforcement by a civil parking officer is not practical." This recommendation must be considered when deciding which further bus lanes and zig-zag areas outside schools should be part of the CCTV enforcement scheme.

The Home Office Guidelines recommend that the clear rules, policies and procedures must be in place before a surveillance camera system is used and these must be communicated to all who need to comply with them.

The Council has produced a "Code of Practice for the operation of Enforcement Cameras" (dated November 2016). This should be strictly followed in the deployment and use of all CCTV cameras.

Where there is any conflict between this code and the statutory guidance issued by the Home Office under section 30(1) (a) of the Protection of Freedoms Act 2012 the latter shall prevail and the Council should fully comply with such guidelines.

The Council must also ensure that its continued use of approved devices for the purposes of enforcement of road traffic contraventions is transparent and proportionate, is in accordance with any TROs in place, complies with Data Protection Act 1998 and the Protection of Freedoms Act 2012 and the Code of Practice issued under it by the Home Office - "Surveillance Camera Code of Practice, June 2013".

8. Finance Comments

This report notes the effectiveness of camera technology for the benefit of both enforcement and network management and seeks approval to continue use of such technology. In addition, the report also instructs the Director of Transport, Environment and Business Support to carry out a study to identify how better equipped the city's road network should be so far as visual and virtual technology and for a report on the findings, including associated costs, to return to a future Decision meeting. Implementing these recommendations will not have an adverse effect on service budgets, as any costs incurred delivering them will be met from existing cash limits.

Recommendation 2.2 seeks to delegate approval to the Director of Transport, Environment to purchase additional cameras to further improve road safety in other areas of the city. The upfront cost of each camera installation is anticipated to total approximately £13,000 and the ongoing running costs are estimated to total £5,500 per year.

It is important to ensure that prior to additional cameras being purchased, a detailed and robust financial appraisal is completed and a source of financing is identified.

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Signed by:
Alan Cufley Director of Transport, Environment and Business Support

Appendices:

Appendix A- Bus Lane Enforcement
Appendix B- School Camera Enforcement

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Camera Enforcement (full details and how we conduct enforcement)	https://www.portsmouth.gov.uk/ext/documents-external/trv-cop-bus-lane-cameras.pdf



The recommendation(s) set out above were approved/ approved as amended/ deferred/
rejected by on

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Signed by:
Councillor Simon Boshier
Cabinet Member for Traffic and Transportation