

A Code of Practice for
Bus Lane Camera Enforcement
Using attended CCTV equipment for
Approved English Local Authorities
outside London

Final Draft – March 2007

ACKNOWLEDGEMENTS

This code of practice has been adapted from the 'London Councils' (formerly Association London Government) approved by their Transport and Environment Committee on the 15 June 2006 who gave permission for this document to be used.

The code of practice was put together through a working group comprising of the following individuals:

Helen Allen, Reading Borough Council
Simon Beasley, Reading Borough Council
Roger Harper, Project Centre Ltd (Working on behalf of Brighton & Hove City Council)
Ian Nash, Nottingham City Council
Kate Rennicks, Manchester City Council
Howard Saffer, Sheffield City Council
Caroline Stylianou, Nottingham City Council

Other individuals involved in providing comments and preparation of this document:

David Clough, Oxfordshire County Council
Dick Davey-Thomas, Brighton & Hove City Council
Stephen Dryden, Brighton & Hove City Council
Graham Marsh, Manchester City Council
Paul Nichols, Brighton & Hove City Council
Andrew Westwood, Brighton & Hove City Council

Thanks are also given to the County Surveyors Society (CSS) who provided comments on an early draft.

CONTENTS

		Page No.
1.	Introduction	1
2.	Purpose of the Code of Practice	2
3.	The Legal Framework	2
4.	Responsibility	3
5.	Security of Operations	3
6.	Areas subject to enforcement	4
7.	Signs to be displayed	4
8.	Description of Equipment	4
9.	Information to be Captured	8
10.	Storage of Data	8
11.	Review of Offence and DVLA Search	11
12.	Issue of Penalty Charge Notices	11
13.	Representations	12
14.	Guidelines for Appeals	13
15.	Availability of the Code of Practice	14
16.	Review of the Code of Practice	14
	 Appendices	
Appendix 1	Items to be documented in local procedures	
Appendix 2	Approved training courses for CCTV operators working in London	
Appendix 3	Core Information to be sent to Adjudication Service	
Appendix 4	Authorised Officer Witness Statement	

1 Introduction

- 1.1 Since 1999 the London Boroughs and Transport for London have been using CCTV cameras to enforce traffic regulations and in particular Bus Lanes. The introduction of new statutory instruments in November 2005 under The Transport Act 2000 allows for the enforcement of Bus Lanes through camera technology by approved Local Authorities outside of the Greater London Area. This type of enforcement for traffic regulations by CCTV cameras is one part of a wide-ranging programme 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 and parking regulations is to give priority to certain groups of road users by excluding others during prescribed hours. The introduction of CCTV monitoring of traffic regulations is intended to reduce the level of contraventions and so reduce delays on the highway network.
- 1.2 The guidance published by the Department for Transport in November 2005 on bus lane enforcement outside of London sets out how English local authorities outside London can set up and operate an effective and efficient enforcement regime. The guidance specifies in section 5.22 that *“Each local authority undertaking enforcement must put in place procedures to ensure that the systems are operated in such a manner as to preserve the integrity of the evidence and to ensure that it is handled and stored in a secure environment. The procedures should be designed to satisfy the community over the competence and honesty of the system and its operators, to reassure the community over the privacy of private areas and domestic buildings and to comply with the requirements of the Data Protection Act 1998.”* Reference is made in the guidance to the ‘Code of Practice for operation of CCTV Enforcement Cameras’ produced by the ‘London Councils’ [formerly known as Association of London Government (ALG)] for CCTV enforcement. The ‘London Councils’ code of practice was produced in June 2001 in order to ensure that the use of CCTV for this purpose is consistent throughout London and in accordance with current best practice. A revised (and current as of June 2006) Code of Practice was endorsed by the ‘London Councils’ Transport and Environment Committee on the 15 June 2006. A number of Local authorities considered it would be appropriate that a similar code of practice is produced for English Local Authorities outside of London.
- 1.3 This Code of Practice has been drawn up by Officers from five local authorities (Brighton & Hove City Council, Manchester City Council, Nottingham City Council, Reading Borough Council & Sheffield City Council) who will be adopting the new powers. This particular Code has been adapted from the Code of Practice for CCTV Enforcement produced by the ‘London Councils’ (www.londoncouncils.gov.uk) adopted for use in the Greater London Area.

2. Purpose of the Code of Practice

2.1 An essential and integral part of any CCTV system is a Code of Practice to ensure that issues such as privacy and integrity are properly respected. This Code of Practice sets out the way in which enforcement of bus lane traffic regulations using CCTV cameras will be conducted. This is to ensure that the use of CCTV to monitor traffic and enforce bus lane contraventions is consistent and in accordance with current best practice. The use of CCTV in public places must take place in accordance with the advice and guidelines issued by the Department for Transport, Home Office Scientific Development Branch and Information Commissioner's Office. The following documents offer further information and advice for local authorities:

- BS 7958:2005 Closed circuit television (CCTV) – Management and operation - Code of practice
- CCTV Code of Practice published by Information Commissioner (July 2000)

2.2 As a result of the variety of arrangements between local authorities it is recognised there will be additional localised enforcement guidelines and protocols depending on the equipment, system and circumstances under which bus lane enforcement is to take place. The code of practice outlines what should be included in the local protocols. These are summarised in the Appendix 1.

2.3 Closed Circuit Television (CCTV) cameras are operated for a wide variety of purposes including the prevention and detection of crime, protection of public and private property, town/city centre management, traffic monitoring in addition to the enforcement of traffic regulations. A single CCTV camera may be used for a number of these purposes at different times of the day. Other ancillary protocols may apply depending on the circumstances CCTV cameras are used. These protocols will continue to be supported..

3 The Legal Framework

3.1 The operation of CCTV systems must be undertaken with due regard to the following legislation:

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

3.2 The enforcement of traffic regulations by CCTV cameras outside of the Greater London Area is regulated under the following statutory instruments:

- 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.

- 3.3 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.

4 Responsibility

- 4.1 Management responsibility for the operation of the system and observance of this Code of Practice resides with the operating Local Authority. The local authority should document the details of the management structure, specific roles and responsibilities and training for CCTV enforcement. These should form part of the local CCTV enforcement protocols. Current recommended training schemes for the Greater London Area are listed in Appendix 2.
- 4.2 All personnel permitted to operate the System will be obliged to work to rules of confidentiality. They will be fully instructed in their responsibilities. All staff undertaking enforcement of traffic regulations must have completed appropriate training to their position. All staff operating the system will be responsible for working in full accord with this Code of Practice and local procedures. They will be subject to their employer's normal disciplinary procedures and will sign an acknowledgement that they understand this Code of Practice and local procedures.

5 Security of Operations

- 5.1 The CCTV enforcement operations will be carried out in a secure and lockable environment only accessible by authorised personnel. All video recordings, witness statements and other records will be stored in a secure environment.
- 5.2 Access to CCTV control rooms will be strictly monitored and controlled by authorised personnel. Details of all events and visits will be recorded in accordance with local operational guidelines. Technical, maintenance and repair work will only be carried out by authorised personnel under the supervision of a responsible officer of the Council.
- 5.3 In order to ensure data is processed fairly and lawfully an audit trail of CCTV surveillance and video recording must be established. This audit trail must be detailed as part of the operational procedures. This should be established before images and data are collected.
- 5.4 All master or 'evidence video' recordings or still images must be held securely, in an unalterable state or storage medium. Details of the methods of protection and security arrangements should be recorded in the procedures manual. The method of 'electronic' protection must conform to the industry standard to ensure the security of the data.
- 5.5 Access to the systems and data storage areas must be controlled to prevent tampering or unauthorised viewing. The audit trail developed as part of operational procedures should retain records of who has accessed videos or images, the system and when.
- 5.6 If using VHS videotapes these must be degaussed before re-use and disposal. Tapes should not be degaussed or re-used more than twelve times.

Digital images should not be deleted without authority. Any disposable media that are used to record digital images should be physically destroyed (e.g. shredded) once they are no longer required. Any disposal or deletion must be recorded in the audit trail.

- 5.7 With the exception for images posted on Penalty Charge Notices, the release of videos or images will only be made by an authorised officer. The procedure for production, release and destruction of videos and images will be subject to regular audit as outlined in local procedures.

6 Areas subject to enforcement.

- 6.1 The areas that will be enforced must be defined by a Traffic Regulation Order. It is recommended that a list and copies or database of the current Traffic Regulation Orders is collated as part of local guidelines to ensure areas of enforcement are understood. Details of relevant Traffic Regulation Orders are likely to be requested by the Bus Lane Adjudicator as part of the Penalty Charge Notice appeal process.
- 6.2 CCTV surveillance must be specific to these areas. It will not be used to invade the privacy of any persons in domestic, business or other private premises, buildings or land.

7 Signs to be displayed.

- 7.1 Signing (including road markings) is required to legally indicate the bus lane traffic regulation orders to drivers. These should be checked regularly to avoid challenges on the grounds of inadequate, inconsistent or defective signing. It is suggested that a maintenance log established.
- 7.2 It is recommended that 'Bus Lane Camera' enforcement signs are also erected on the approach to the areas to be enforced. The signs will not define the field of view of the cameras but will advise that camera enforcement is taking place. The sign to be displayed on the approach is prescribed by the Traffic Signs Regulations and General Directions 2002. Further information on signing can be obtained from the Department for Transport.

8 Description of Equipment.

- 8.1 Section 144 of the Transport Act 2000 provides the necessary powers to enable the Secretary of State by regulation to make provision for the imposition of penalty charges in respect of bus lane contraventions, and the payment of such penalty charges. The CCTV equipment to be used for Bus Lane Enforcement has been defined in the Schedule in 'The Bus Lanes (Approved Devices) (England) Order 2005' as follows:

1. In this schedule "the equipment" means equipment comprising a device.

2. The equipment includes a camera which is—

(a) securely mounted on a bus or other vehicle or at the roadside or on a building, structure or other erection;

(b) so mounted in a position that will enable vehicles in a bus lane or selected area of bus lane to be surveyed by it;

(c) capable of producing—

(i) a close-up legible image of the registration plate of any vehicle in the bus lane or, as the case may be, the selected area ; and

(ii) a wider angle image of the carriageway such as will enable information to be provided about any circumstances which may have caused the vehicle to be in the bus lane or the selected area; and

(d) connected by secure data links to a recording system.

3. The equipment includes a recording system in which—

(a) recordings are made automatically of the output from the camera or cameras surveying the bus lane or selected area;

(b) recordings are made—

(i) using videotape which records at a minimum rate of 5 frames per second; or

(ii) using a secure digital recording method which records at a minimum of 5 frames per second.

(c) each frame is timed (in hours, minutes and seconds), dated and sequentially numbered automatically, using a visual counter which resets to zero when the recording system is initially activated and increments for each frame;

(d) the location of the bus lane or selected area being surveyed is shown; and

(e) where any part of the equipment is controlled manually, two simultaneous recordings are made of the camera output viewed by the operator.

4. The equipment is—

(a) synchronised with the "Rugby" atomic clock or another independent national standard clock; and

(b) accurate within plus or minus 10 seconds over a 14-day period and is re-synchronised at least once during that period.

5. Where the equipment includes a facility to print a still image—

(a) of any frame recorded on the videotape; or

(b) from a digital record,

any printed image is endorsed with the time and date when the frame was captured and its unique number.

6. Where the equipment includes a facility for simultaneous voice-over recording, it incorporates a time mark from the clock with which the recording system is synchronised, denoting contemporaneous recording with the vision track.

8.2 The Transport Act 2000 permits *“the imposition of a penalty charge only on the basis of a record produced by an approved device”*. The Transport Act defines an “approved device” as *“a device of a description specified in an order made by the relevant national authority”*. The Department for Transport provides advice on “approved devices” in the ‘Provisional guidance on bus lane (including tramway) enforcement in England outside London’ published November 2005. The type of approved devices currently falls within three descriptions as follows:

“(a) A device of a description specified in an order made by the Secretary of State (Home Secretary) under section 20(9) of the Road Traffic Offenders Act 1988 (prescribed devices for the purposes of speeding and other offences);

(b) A device certified by a person authorised in that behalf by the Secretary of State (for Transport), as meeting the criteria specified in paragraphs 2 to 6 of the schedule to the Bus Lanes (Approved Devices) (England) Order 2005; or

(c) A device that does not meet the criteria referred to in paragraph b) above but which was used before the coming into force of the Order for the purposes of bus lane enforcement under Part II (bus lanes) of the London Local Authorities Act 1996.”

It is important that the equipment used has the necessary approvals before penalty charge notices are issued and any certification documents are accessible.

8.3 The type of approved devices which fall within category ‘c’ described in section 8.2 are attended CCTV systems where the contraventions are viewed in real time by an operator. This includes the following type of equipment:

- ‘Static cameras’- permanently sited at a particular location
- ‘Mobile cameras’ – which can be moved from one location to another, this could include vehicle mounted cameras.
- ‘Analogue’ or ‘Digital’ image format.
- Hard-wired, networked or wireless networked.

8.4 The CCTV monitoring station for attended systems allows the operator to select and view the output from any one of the available CCTV cameras in the system and provides controls to pan, tilt and zoom that camera as necessary. Each frame on a recording should be timed, dated and sequentially numbered automatically by the system. All media used for recordings regardless of format must be individually numbered for unique identification.

8.5 CCTV Cameras are generally connected to a CCTV system by a secure data link. If a dedicated ‘fixed’ data link is not used, sufficient precautions must be taken to ensure the security of the data being transmitted by means of current, industry standard, data encryption or other forms of security.

8.6 The equipment may include a facility to print or copy in digital format still images of any frame recorded. Printed or copied images must be endorsed with the exact time and date when the frame was captured and its unique frame number.

8.7 The recording of video footage or digital images of the contravention forms part of the evidence of a contravention. It is important that the quality of the

video footage or digital images is 'fit for purpose'. The Home Office advice on pictures is as follows: "*There are no definitive performance criteria for video to be legally admissible. It is for the court to decide whether the pictures are accepted, and this is done on the grounds of relevance to the case, reliability of the evidence, etc. The appropriate resolution, level of compression and number of pictures per second will be determined by what you wish to see in the recording. If you can't see it then it's not fit for purpose*". Further advice should be sought from other Local Authorities involved in similar enforcement activities if there is any doubt about the equipment being 'fit for purpose'.

- 8.8 It is important that the equipment is routinely maintained and checked in accordance with the manufacturer's instructions. A maintenance record of equipment should be kept, including records of any tests.
- 8.9 The equipment must be synchronised to the 'Rugby' atomic clock, or a signal from a recognised similar independent output. The last Rugby Clock update (time signal by radio wave every minute) should be checked on the stop-start frame at the beginning of each period of operation. The stop-start frame is displayed at the beginning and end of each recording. If a Rugby Clock update has not occurred for at least 72 hours, it should be done as soon as possible. This may mean leaving the system on until an update has been received, as in some areas, updates occur mainly at night due to problems with other equipment in the area interfering with the Rugby Clock signal.

9 Information to be Captured.

- 9.1 The recording of video footage or digital images of the contravention will be used to identify the following:
- Location (or camera reference number).
 - Date, time in hours and minutes and video frame.
 - Vehicle Registration Mark.
 - The make,, model and colour of the vehicle.
- 9.2 Bus Lane contraventions viewed by CCTV operator
- 9.2.1 The exact time and incremental counter reading must be recorded at the start and finish of each period of surveillance. The operator must obtain the most effective images of a vehicle and its surrounding circumstances.
- 9.2.2 The video footage must be recorded in real time at the time of observation. Contraventions must be identified at the time when they are committed. Pre-recorded video images will not be studied to identify contraventions committed at some earlier time.
- 9.2.3 The operator must move cameras with due regard for the privacy of the individual and must ensure that as cameras are panned, zoomed and tilted that they do not pause on any field of view other than the carriageways and adjacent footways which make up the areas subject to enforcement. Protective zones that have been established must be observed.
- 9.2.4 When sufficient evidence has been recorded by the CCTV operator, all the contraventions will need to be logged for review. The method of logging contraventions will form part of localised operational procedures.
- 9.3 If a non traffic or bus lane violation is observed, the CCTV operator will follow other locally agreed procedures.

10 Storage of Evidence.

- 10.1 It is important that an audit log is maintained to track the movement of all evidential media. The audit trail should link to the Penalty Charge Notice Number which will be unique. The evidential material should be stored so it can only be accessed by authorised personnel.
- 10.2 Bus Lane contraventions viewed by CCTV operator
- 10.2.1 For contraventions viewed by a CCTV operator concurrent twin video recordings are made of the camera output viewed by the operator. One copy of the recording is designated as the 'evidence video' and the other as a 'working video'. At the end of the monitoring the CCTV operator (or the system) will record the exact time and final incremental number and, if videotape, DVD or CD-R is being used;
- Remove the 'evidence video' tape or disc
 - Seal the 'evidence video' tape or disc in an evidence bag or with a security tag;
 - Arrange for the 'evidence video' to be transferred into secure storage.

- 10.2.2 The 'evidence video' will only be removed from its secure storage if;
- it is required for adjudication evidence
 - it is no longer required for evidential purposes.
- 10.2.3 The 'working video' recording is used to review the potential contraventions identified by the operator. Thereafter the recording should be placed in secure storage. The 'working video' recording will only be removed from storage for the following purposes: -
- to generate still images or on screen prints or photographs;
 - for viewing by authorised processing staff when considering representations and appeals;
 - for viewing under strictly controlled conditions as defined in section 10.5;
 - for copying or release to third parties under the circumstances defined in section 10.4;
 - for monitoring purposes to obtain statistics on the performance of the scheme;
 - for the purpose of additional monitoring.
- 10.2.4 An 'evidence video' or 'working video' will only be released by an authorised officer for degaussing, deletion or destruction when all contraventions recorded on it have been fully and finally settled. All or part of the evidence may also be retained for a further period in accordance with local procedures.

10.3 Still Images

- 10.3.1 Each still image will be given a unique serial number and will be logged and accounted for at all times. A copy of a still image may be supplied to a person who has received a PCN to support that PCN. A still image may be supplied as an alternative to viewing video evidence,. No charge is to be made for supplying the image.
- 10.3.2 A still image can be a print onto paper of the picture or in an approved digital format of a single field or frame of the video recording. The prescribed equipment will be used to generate these still images and each image produced will contain its unique frame number and the time (HH MM SS) and date (DD MM YY – or similar format) of the occurrence.
- 10.3.3 Still images will only be generated by an authorised officer and only for the following purposes:
- to support the issue of a PCN;
 - as evidence for an Appeal;
 - if the Police, or other organisation approved by the operating Authority, request such an image with detailed written reasons for their request.
- Still images will be held in secure storage unless released as defined in section 10.4.

10.4 Ownership, copying and release of recordings

10.4.1 Copyright of all recorded material and stills printed from such material remain with the operating Authority. Recorded material will only be used and accessed for the purposes defined in this Code of Practice. In no circumstances will recorded material (or any copies or still prints generated from it) be released, sold or lent to members of the public, media or other commercial organisations except for the purpose set out below.

10.4.2 All recordings are the property of the Authority operating the scheme and may not be copied or released from secure storage without the approval of an authorised officer. A copy of the section of a working video recording or stills, relevant to a particular contravention, will only be released: -

- For viewing by an appellant (or his representative) as part of the appeals procedure as defined by section 8(5)(n) of The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005.
- To the Bus Lane Adjudication Service (and copied to the appellant)
- To the Police
- To Lawyers acting for appellants in Traffic Appeals
- To Lawyers acting for defendants/victims in connection with criminal proceedings
- To a third party prosecuting authority, such as Customs & Excise or the Health & Safety Executive.
- By court order, in connection with civil proceedings
- In the case of VHS video, to be magnetically erased and properly disposed of after twelve cycles of use.
- For disposal

10.4.3 Recordings (or copies of a section of a recording) will only be released over signature to representatives of the above organisations after proof of identity. A detailed record must be kept of the recording (or section of it) that has been released and the reason for its release.

10.4.4 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. The Local Authority will provide the Police with a statement confirming the integrity of the recording, if required for evidential purposes.

10.5 Viewing of video recordings

10.5.1 Viewing of video recordings will only be permitted in the following circumstances:

- to support the issue of a PCN
- as an alternative to releasing a recording to one of the parties nominated in section 10.4.2 above
- as part of internal audit, review or disciplinary procedures
- as part of the training process for staff.

10.5.2 Viewing will only take place in a secure viewing area under supervision from authorised personnel. Only the 'working video' recording will be viewed.

'Evidence video' recordings will not be viewed. The person supervising the viewing must enter full details of the event including: -

- time, date and location of viewing
- the sections of video recordings which were viewed (using the start and finish frame numbers) if applicable.
- the reasons for viewing recordings
- details of the people present at the viewing.

10.5.3 Where applicable the event will also be entered into the individual history of each video recording viewed.

11 Review of offence & DVLA Search.

11.1 After storing the 'evidence video' the operator will use the contemporaneous record, or tags on the recording, to identify the sections of the 'working video', which contain possible contraventions. Each contravention will be reviewed on the 'working' recording to decide whether it is a clear and indisputable contravention. The information to be recorded as part of the review are outlined as follows:

- The registration mark of the vehicle
- The vehicle make, model and colour
- The detection date and time
- The location of the alleged contravention
- The appropriate frame number

11.2 This information will be used to obtain the name and address of the registered keeper of the detected vehicle. Records of the registered keeper, which contravene traffic regulations, will be obtained in accordance with the Driver and Vehicle Licensing Agency enquiry procedures. This evidence will be used to generate a PCN.

12 Issue of Penalty Charge Notices (PCNs).

12.1 As described in Article 8(5) of 'The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005' the PCN must state:

(a) the registration mark of the vehicle involved in the alleged contravention;

(b) the detection date and the time at which the alleged contravention occurred;

(c) the reasons why the authority believe that a penalty charge is payable;

(d) the amount of the penalty charge;

(e) that the penalty charge must be paid before the end of the 28 day period;

(f) that if the penalty charge is paid before the end of the period of 14 days beginning with the date of service of the notice, the penalty charge will be reduced by one half;

(g) that representations may be made, on any of the statutory grounds of appeal, to the authority against the imposition of the penalty charge but that representations made outside the 28 day period may be disregarded;

(h) what are the statutory grounds of appeal;

(i) the postal address to which representations are to be sent;

(j) any electronic mail address or FAX number to which representations may be sent as an alternative to the postal address;

(k) that if at the end of the 28 day period—

(i) no representations have been made; and

(ii) the penalty charge has not been paid,

the authority may increase the penalty charge by a half and take steps to enforce payment of the charge as so increased;

(l) the manner in which the penalty charge may be paid;

(m) that if the representations are rejected an appeal may be made on any of the statutory grounds of appeal may be made to an adjudicator in respect of a penalty charge; and

(n) that the recipient may, by notice in writing to the authority, request them—

(i) to make available at an office of theirs specified by him, free of charge and at a time during normal office hours so specified, for viewing by him and by his representative (if any), the record of the contravention produced by the approved device pursuant to which the penalty charge was imposed; or

(ii) to provide him, free of charge, with such still images from that record as, in the authority's opinion, establish the contravention.

12.2 A PCN is then mailed to the person appearing to them to be the owner of the vehicle or on the person appearing to them to be the person liable to pay the charge. All PCNs are to be issued before the end of the period of 28 days beginning with the date of contravention unless the information of the identity of the keeper of the vehicle has not been supplied by DVLA. An authority shall only continue to serve a penalty charge notice up to a maximum of six months from the detection date on the grounds this information has not come through. The PCN 'is deemed to be served' on the second working day after the PCN has been posted by first class post. Working Day is defined as any day which is not a Saturday, a Sunday, Good Friday, Christmas Day, or a bank holiday in England and Wales.

13 Representations.

13.1 Formal representations can be made once the Penalty Charge Notice has been issued. The enforcing authority considers the representations and if it does not accept them, it issues a Notice of Rejection. There is a right of

further appeal to the independent Parking and Bus Lane Adjudicators at the National Parking Adjudicator Service (see section 14 – Guidelines for Appeals).

- 13.2 A person who has received a PCN is entitled to view that section of the video recording or a still image showing the contravention for which the PCN was issued. Viewing of video recordings will be arranged in accordance with local procedures. Viewing of the video evidence should be arranged as soon as possible after a request has been made by the person in receipt of the PCN. The viewing area should not only be secure, but it should be designed and laid out so that only those in the viewing room can see the images. A still image or video medium may be supplied at no charge, as an alternative, in a situation where it is not possible to arrange a viewing of video evidence.

14 Guidelines for Appeals.

- 14.1 Details of Bus Lane adjudication are set out in Part 5 of *The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005*. The Bus Lane Adjudication Service has also requested core information be sent by the Enforcement Authority in advance of the commencement of enforcement. This information is included in Appendix 3.

14.2 The Appeal Form

An appeal form must be enclosed with every Notice of Rejection of Representations issued by an enforcing authority. The appeal form should allow the appellant or his authorised agent to sign and provide space for:

- The name and address of the appellant;
- Specify some other address as being the address to which he wishes documents to be sent to him in connection with the appeal;
- must state the name of the authority by which the decision to impose the charge was made and the date and reference number of the penalty charge notice concerned; and
- may include any additional representations on any of the statutory grounds of appeal that the appellant desires to make.

14.3 Evidence

The following items will be required as mandatory evidence by the Bus Lane Adjudication Service within seven days of the receipt of a copy of a notice of appeal:

- a) Copy of the Penalty Charge Notice
- b) Copies of the representations made to the authority in respect of the decision to impose the charge; and
- c) The Notice of Rejection.

It is also recommended that the enforcing Authority produce:

- d) The record produced by the approved device - The image must show the context of the contravention and the identification of the target vehicle. All pictures must display the location, date and time of the offence with an

accompanying statement that it is a true copy and taken by an approved device. The video recording to be supplied to the Adjudicators must be in a type approved by the Bus Lane Adjudication Service.

e) A Certificate as to the circumstances in which the record was produced, signed by a person authorised in that behalf by the authority. This certificate could take the form of a declaration that at the time the contravention was observed the monitoring and recording equipment used was of a type approved by the Secretary of State and was in full working order at the time. An example that could be used for bus lane contraventions is included in the Appendix 4.

- 14.4 The list above is not exhaustive and additional evidence may be requested by the Bus Lane Adjudication Service. Further advice and practice will be available once the Adjudication Service has been established.

15 Availability of the Code of Practice

- 15.1 Copies of the Code of Practice should be available to the public where the scheme is being operated. It is recommended that the enforcing local authority publicise the code on the local authority's website and make it available in the nearest local public library to where the scheme is operating.

16 Review of the Code of Practice

- 16.1 The enforcing Local Authority will prepare an annual report on the issuing of Penalty Charge Notices, which will be presented to the Department for Transport. These reports will be made available for public inspection either in writing or through the relevant Local Authority's website. The Code of Practice will be reviewed and changed if it is deemed appropriate following this annual report or if requested by the 'Bus Lane Adjudication Service' Joint Committee.

Appendix 1

Items to be documented in local procedures

1. Management structure and responsibility outlining who is authorised to carry out roles and tasks for camera enforcement. Names of individuals and authorised personnel should be documented.
2. Details of training carried out by individual staff should be registered.
3. Where applicable, retain a list of all other operational protocols that exist for CCTV surveillance. Ensure that the local priorities of surveillance are understood.
4. A daily register of all visitors and events should be maintained for any CCTV control room.
5. An audit trail or log of all evidential recordings must be established and maintained. This must record who has accessed the videos or images, the system and when. Clear procedures for recording the production, release and destruction of videos and images should be established.
6. Details of the method and procedure for 'electronic' protection of evidential material should be documented.
7. A list and copies of traffic regulation orders to be enforced should be maintained.
8. A routine log of maintenance checks and repairs for bus lane signing should be established.
9. Certification documents for "approved" camera enforcement devices should be recorded and accessible.
10. A routine log of maintenance checks and repairs for camera enforcement devices, including checks on 'Rugby' atomic or independent clock.
11. Locally agreed enforcement procedures for CCTV operators. E.g. times for enforcement to begin and end.
12. A regular audit on compliance with the Code of Practice and any feedback on recommended changes.

Appendix 2

Approved training courses for CCTV operators working in London

Course title	Training providers	Date of Approval
BTEC Level 2 Intermediate Award in CCTV Camera Enforcement	London Borough of Croydon, London Borough of Camden	December 2003
CCTV Traffic Enforcement BTEC Unit (Anyone taking this training course will have to have already successfully completed TAVCOM's CRO1 and CRO2 modules which provide them with control room operators training.)	TAVCOM	August 2004
VINCI Park CCTV Enforcement Training Programme	VINCI Park	January 2006

Appendix 3

Core Information to be sent to Adjudication Service

Item	Timescale
1. Council minute setting out the decision to impose penalty charges for bus lane contraventions and the level of penalty charge set.	One month prior to commencement
<p>2. Traffic Regulation Order</p> <p>NPAS will follow the same procedure as parking TROs i.e. whereby NPAS scans councils' TROs and then has them signed off by the council via a TRO Certification Form. Thereafter, from an agreed date, it will be sufficient for councils to state the TRO reference number and name the Order and relevant sections/paragraphs being relied upon in a particular case, using the relevant box on the Appeal Case Summary Form. Councils will also be supplied with a CD copy of the Certified orders we hold.</p>	Prior to commencement
3. Equipment approval certificate and procedures for calibration – NPAS will operate a similar certification system for the equipment approval certificate.	Prior to commencement
4. Bus Lane PCN	At commencement
5. Press Notice advising the public of the introduction of the scheme and the level of penalty charges.	Prior to commencement
6. Full set of photographs of bus lane related signs cross-referenced to the location map	Prior to commencement
7. Bus lane maps including location of signs and cameras so that the area covered by a particular camera can be identified.	Prior to commencement.

Appendix 4
Authorised Officer Witness Statement
(Bus Lane Contraventions)

[Appellant] v [Council]
Bus Lane Adjudication Service Case No:
PCN No:

I, [Name] am an authorised officer of [X] Council.

This statement is true to the best of my knowledge and belief. I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything that I know to be false or do not believe to be true.

I produce in evidence in the above case [details of evidence being produced e.g. stills from video]. I certify that these were produced [describe circumstances in which they were produced: e.g. stills from a video recording made by a CCTV camera located at wherever on such a date.]

I further certify:

1. that this/these was/were produced in accordance with ‘The Bus Lanes Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005’;
2. that the image was recorded using an approved device as set out in ‘The Bus Lanes (Approved Devices) (England) Order 2005’ and ‘Provisional guidance on bus lane (including tramway) enforcement in England outside London’ published November 2005 by the Department for Transport;
3. that, to the best of my knowledge and belief, all conditions subject to which approval was given were satisfied.

[Describe what the evidence shows]

Signed.....

Name..... Position.....