

	<h2>Environment Committee</h2> <h3>11th JANUARY 2017</h3>
<p style="text-align: center;">Title</p>	<p>Moving Traffic Contraventions</p>
<p style="text-align: center;">Report of</p>	<p>Commissioning Director – Environment</p>
<p style="text-align: center;">Wards</p>	<p>All</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Enclosures</p>	<p>Appendix 1 - Additional Moving Traffic Contraventions Site Locations for Implementation in 2016 Appendix 2 – Locations where CCTV Traffic Enforcement Cameras have been installed</p>
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<h3>Summary</h3>
<p>The June 2015 Environment Committee agreed to seek the necessary approvals from London Councils Transport Environment Committee (TEC) to commence Moving Traffic Contravention Enforcement in Barnet from 1st January 2016. In September 2015 the Environment Committee also agreed locations borough wide where Traffic Enforcement Cameras would be deployed. This report seeks approval for additional locations listed in Appendix 1 where CCTV enforcement can be carried out.</p> <p>This report also provides an update on the deployment of Traffic Enforcement Cameras in the borough together with analysis of the number of PCNs' issued and an understanding of the resulting impact on compliance and behaviour change.</p>

Recommendations
1. That the Environment Committee notes the contents of this report.
2. That the Environment Committee approves the 13 additional sites (Phase 3) for Traffic Enforcement in 2017 detailed in Appendix 1 of this report.
3. That the Environment Committee approves the siting of Moving Traffic Contravention Enforcement cameras at all schools and traffic junctions so that consideration may be given to siting Moving Traffic Contravention Enforcement cameras at any school or traffic junction in the future without the need to keep returning for Committee approval.
4. That authority is delegated to the Commissioning Director Environment to approve the deployment of future CCTV Traffic Enforcement Cameras to any newly designed schemes (schools or other locations).

1. WHY THIS REPORT IS NEEDED

- 1.1 Since April 2016 the Council has enforced moving traffic contraventions at Schools and some traffic locations across the borough using static CCTV Cameras. This paper updates the committee on progress.
- 1.2 The Council was granted the powers to use CCTV to enforce Moving Traffic Contraventions (MTC) from the London Councils' Technical Environment Committee. These powers can be used to enforce traffic regulation violations at any location without any further approval needed from London Councils.
- 1.3 At the time the CCTV enforcement scheme was introduced, the Parking Client Team came under the Commercial Services organisational structure and as such the delegation of authority was given the then Commercial Services Director.
- 1.4 Since then, the Parking Client Team has transferred to the organisational structure managed by the Commissioning Director for Environment and the committee should note the transfer of delegation of authority that goes with this transfer.
- 1.5 In September 2015 the Environment Committee approved a list containing locations across the borough where CCTV enforcement, including enforcement of School Keep Clear markings, banned turns and yellow box junctions, could take place. Since then, additional locations have been identified that would benefit from CCTV enforcement cameras. These are listed in Appendix 1.
- 1.6 As new traffic schemes are developed in the future some of these locations may need CCTV enforcement to ensure compliance to traffic regulations. This report recommends that authority is delegated to the Commissioning Director Environment to approve the deployment of CCTV Traffic Enforcement Cameras to any newly designed schemes.

1.7 **CCTV Enforcement Implementation Update (Phase 1&2).** During 2016, 63 CCTV cameras will have been installed to enforce the following: (Locations are listed in Appendix 2):

- School Keep Clear restrictions at 30 schools
- Yellow Box contravention at 8 locations
- Banned turns at 6 locations
- No Entry at 1 location

1.8 **The process for when a CCTV camera has been installed.** When a camera has been installed at any location the process is as follows:

- The Council issues a warning notice, by post, to contravening motorists for a period of 28 days (compared to the London Council guidelines which state a minimum of 14 days).
- The Camera is then turned off for 4 days to allow for the last warning notice to be received by the motorist
- The camera is then switched back on and actual Penalty Charge Notices (PCNs) are sent by post to the registered owner of the offending vehicle.

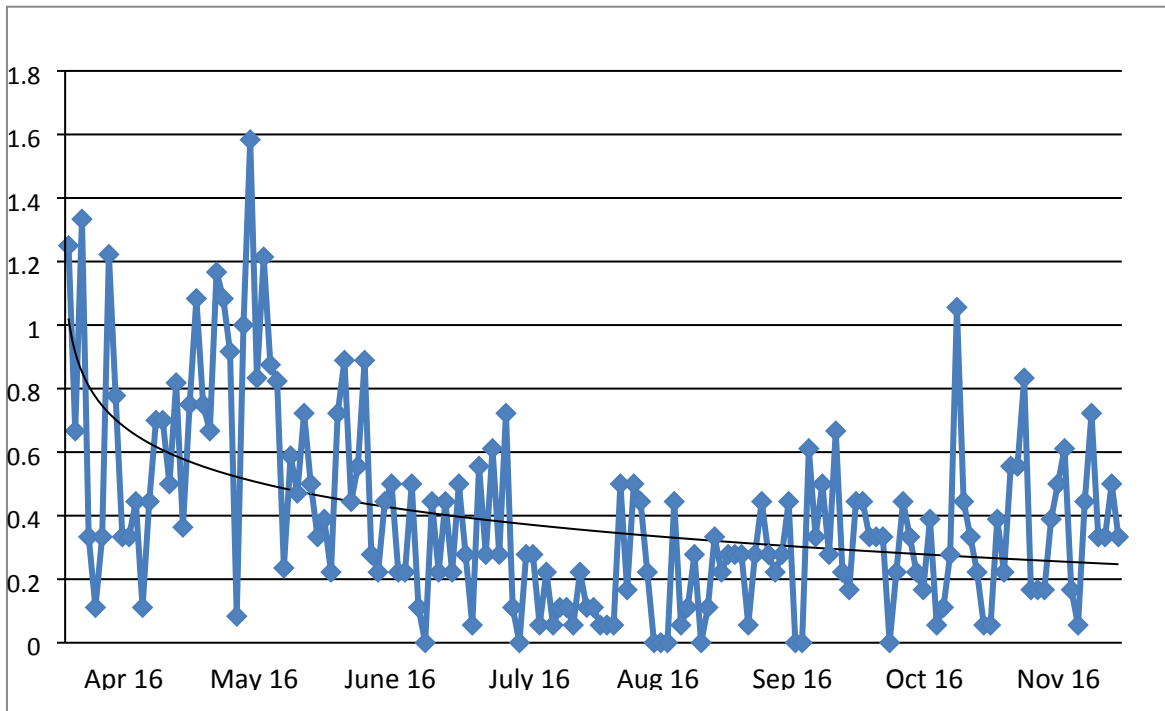
1.9 **Penalty Charge Notices (PCN's) and Compliance.** Since the scheme has been introduced the number of PCNs (not including warning notices) issued at all locations are shown below and are broken down by contravention type. The data shown below covers the period April 2016 to November 2016:

Contravention Type	PCNs Issued
Yellow Box Junctions	21,017
Performing a Banned Turn	10,801
Stop in a restrictive area outside a school	1,566
Failing to drive in the direction shown	595
Failing to comply with a no entry	155
Total Contraventions	34,134

1.10 **Schools compliance and making roads safer.** One of the main aims of the Parking Policy which led to the council introducing CCTV enforcement cameras was to make roads safer. The evidence shows the scheme is proving a success outside schools where compliance has been steadily improving. Schools show an increase in compliance from approximately 1 PCN per day to around 0.3 per day (an average of all schools) or a 67% increase in compliance over the period April 2016 to November 2016.

1.11 Table 1 below show the average number of PCNs per day for schools CCTV enforcement.

Table 1 Compliance at School Keep Clear's



- 1.12 **Camera redeployment** was a key part of the approval of investment for the scheme. It was agreed that CCTV cameras would be redeployed from one school site to another once it was deemed a site was complaint. This was a minimum requirement in the procurement of the cameras so as to ensure we keep as many roads as possible outside schools safe for the investment available.
- 1.13 **The criterion for redeploying** a CCTV enforcement camera to another school location is triggered when one school averages less than 1 PCN per week, then it is deemed compliant. This ensures value for money on the equipment purchased as it is relocated to another school in the borough.
- 1.14 **Compliance at box junctions** has moved from, on average, 20 PCN's per site per day to 15 PCNs per site per day as shown in the table 2 below:

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 None as a result of this report.

4. POST DECISION IMPLEMENTATION

4.1 Following approval of the additional locations the sites listed will be put on the project plan for implementation during 2017. It is feasible that these sites can be operational by the end of March 2017.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Council will work with local, regional and national partners, will strive to ensure that Barnet is the place:

- Of opportunity, where people can further their quality of life
- Where people are helped to help themselves
- Where responsibility is shared, fairly
- Where services are delivered efficiently to get value for money for the taxpayer

5.1.2 The introduction of Moving Traffic Contraventions across the borough will assist with making roads safer and improving traffic flow and will provide value for money for the tax payer as the scheme will be self-funding for which any surplus will be reinvested in to traffic development and management. This will also protect the tax payer by ensuring that the general fund does not have to subsidise costs towards parking and traffic management.

6 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

6.1 The additional sites listed in Appendix 1 will be resourced and funded from the existing £1.7m CCTV Project budget (this is made up of £1.3m capital budget plus £400k earmarked from the Special Parking Account reserve). This budget has provided additional value for money to the Council as the additional locations for Phase 3 can be funded from the current Project budget initially allocated for phase 1 and 2 only.

6.2 The Parking Enforcement Contract will be used for the reviewing the CCTV images and issuing Penalty Charge Notices (PCN's). The management of the statutory process (which follows the issuing of a PCN) will be administered by Barnet Council's Parking Client Team.

6.3 There are no staffing implications to this report. The additional sites can be purchased through the existing CCTV enforcement contract with our partner Open View.

7 Legal and Constitutional References

- 7.1 The London Local Authorities and Transport for London Act 2003 introduced provisions for civil enforcement of certain moving traffic contraventions by decriminalising the offences, these powers have already been granted to the Council transferred from the Police.
- 7.2 The London Councils Transport and Environment Committee have already granted the scheme in London and its approval for London Borough of Barnet to commence MTC enforcement.
- 7.3 **Legislation governing the enforcement of traffic regulations using CCTV includes**
- Road Traffic Regulation Act 1984
 - Road Traffic Offenders Act 1988
 - Road Traffic Act 1991
 - London Local Authorities Act 1996
 - The Road Traffic Offenders (Additional Offences and Prescribed Devices) Order 1997
 - London Local Authorities Act 2000
 - London Local Authorities and Transport for London Act 2003
 - Traffic Management Act 2004
 - The Civil Enforcement of Parking Contraventions (England) General Regulations 2007
 - The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007
 - The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007
- 7.4 **Legislation governing the operation of CCTV systems includes:**
- The data Protection Act 1998
 - The Human Rights Act 1998
 - The Regulation of Investigatory Powers Act 2000
 - The Freedom of Information Act 2000
- 7.5 Together these Acts allow a London Local Authority to install structures and CCTV equipment on or near a highway for the detection of contraventions of Traffic Regulation Orders and to use the information provided by them, to serve a Penalty Charge Notice (PCN) on the registered keeper of a vehicle which contravenes the Traffic Regulations.
- 7.6 All relevant Traffic Regulation Orders must be made available on request.
- 7.7 Records of the keepers of vehicles that contravene traffic regulation orders will be obtained in accordance with the Driver and Vehicle Licensing Agency (DVLA) enquiry procedure rules and data obtained will be kept confidential in accordance with the Data Protection Act 1998
- 7.8 It is a requirement that the Council should issue warning notices during the

first two weeks of enforcement to allow adjustments in behaviour.

7.9 Responsibility for functions states that the Environment Committee includes specific responsibilities for:

- Street Scene including pavements and all classes of roads
- Parking Provision and Enforcement
- Road Safety
- Street Lighting
- Refuse and Recycling
- Transport and Traffic Management including agreement of London Transport Strategy – Local implementation Plan
- Street Cleaning
- Waste Minimisation
- Waterways
- Allotments
- Parks and Open Spaces
- Fleet management
- Trees
- Trading Standards
- Cemetery and Crematorium and Mortuary
- Environmental Health Services (Excluding private sector housing)
- Flood Risk Management (Scrutiny aspect)

8 Risk Management

- 8.1 A key benefit in using CCTV for enforcement of parking restrictions is that it will take any potential confrontation out of enforcing certain prohibitions, unlike using Civil Enforcement Officers who are often faced with verbal and physical abuse when issuing Penalty Charge Notices.
- 8.2 All data that is collected in regard to CCTV and enforcement processing will be processed fairly and lawfully and the operators of the systems deployed will ensure that appropriate security measures shall be taken against unauthorised access to, alteration, disclosure or destruction of, personal data and against accidental loss or destruction of personal data.
- 8.3 An essential and integral part of any CCTV system is a Code of Practice, which sets out the objectives of the system and the rules by which it will be operated. This Code of Practice ensures that issues such as privacy, integrity and fairness are properly dealt with. It sets a minimum standard which must be adhered to by all those authorities in London enforcing traffic regulations using CCTV cameras to ensure public confidence in the scheme.
- 8.4 The Code of Practice is designed to operate within the framework of the relevant pieces of legislation as identified in this report and to complement the Statutory and Operational Guidance produced by the Department of Transport.
- 8.5 The London Councils Transport and Environment Committee support this Code of Practice and CCTV monitoring scheme, which it regulates.

Permission to operate the scheme will be granted only to London local authorities, which commit to and take responsibility for its fair, legal and widespread implementation and its maintenance, review and improvement as appropriate within this Code of Practice.

- 8.6 It is a requirement that the Council should issue warning notices during the first two weeks of enforcement to allow adjustments in behaviour.

9. Equalities and Diversity

- 9.1 The 2010 Equality Act outlines the provisions of the Public Sector Equality duty which requires public authorities to have due regard to the need to

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

- 9.1 The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnership, but to a limited extent. A full Equalities Impact Assessment will be carried out if the scheme is successful in proceeding.

- 9.2 Enforcement action will only be undertaken when sufficient evidence has been gathered to confirm that a contravention has occurred. All recipients of a Penalty Charge Notice have the right to make representations to the issuing authority and all representations received by the authority must be considered and a response issued. Should the representation lead to a rejection by the authority the registered keeper of the vehicle has the option to appeal to the Parking and Traffic Appeals Service PATAS and have their appeal considered by an independent adjudicator.

10. Consultation and Engagement

- 10.1 The Parking Policy consultation included the proposal to introduce CCTV enforcement for moving traffic contraventions and this was well received by those who responded to the consultation.

- 10.2 It is a requirement of the London Councils scheme that the Council should undertake a publicity campaign to inform the public of the start date for enforcement and to explain the objectives underlying the scheme.

- 10.3 It is a further requirement that the Council should issue warning notices during the first two weeks of enforcement to allow adjustments in behaviour.

11. BACKGROUND PAPERS

- 11.1 PARKING POLICY ENVIRONMENT COMMITTEE NOVEMBER 18 2014**
 - 11.2 MOVING TRAFFIC CONTRAVENTIONS ENVIRONMENT COMMITTEE
24 SEPTEMBER 2015**
 - 11.3 MOVING TRAFFIC CONTRAVENTIONS ENVIRONMENT COMMITTEE
JUNE 2015 REPORT**
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