

LONDON BOROUGH OF BRENT

EXECUTIVE

13th October, 2003

FOR DECISION

NAME OF WARD: ALL

Report Title : ENFORCEMENT OF PARKING AND BUS LANE CONTRAVENTIONS BY CCTV CAMERAS

1.0 SUMMARY

- 1.1 This report concerns the introduction of the enforcement and reporting of parking and bus lane contraventions by use of CCTV cameras.
- 1.2 There will be two methods used to enforce the contraventions - static cameras mounted on the roadside, and cameras mounted on buses travelling in bus lanes.
- 1.3 The agreement requires the Executive to enter into an arrangement for the joint discharge of functions.

2.0 RECOMMENDATIONS

- 2.1 That the Executive approves the proposals for the enforcement of parking and bus lane contraventions by using CCTV cameras.
- 2.2 That the Executive approves the Code of Practice set out at appendix A and instructs officers to set up the procedures necessary to enforce parking and bus lane contraventions in accordance with the Code of Practice.
- 2.3 That the Executive agrees to enter into an arrangement under s20 of the Local Government Act 2000 with Transport for London to enable the joint working proposed for the enforcement of parking and bus lane contraventions detailed in the report and agrees to enter into an agreement with Transport for London detailing how those arrangements will be effected
- 2.4 That the Executive authorise the Director of Streetcare to undertake the necessary actions as Responsible Officer to give effect to the agreement

3.0 FINANCIAL IMPLICATIONS

- 3.1 The Council's current budget for the parking account has estimated a possible income of £115,000 for the current financial year if CCTV enforcement starts in November, 2003. It has also estimated an income of £276,000 for the parking account for the next financial year (2004/5). The estimated annual costs for issuing and processing PCNs issued by CCTV cameras are as follows:-

Additional member of staff in StreetCare	£16,944
Additional staff payments to Vincipark	£19,536
Other running costs for cameras, control room etc.	<u>£26,000</u>
Total estimated costs	£62,480

This would leave an estimated net income to the Parking Budget of £94,174 for the current financial year, and an estimated net income of £213,520 for the financial year 2004/5.

- 3.2 The estimated figures in 3.1 above include those cases detected by on-bus CCTV cameras and passed to the Borough for processing, where the Borough would retain the monies from those cases. Members of the Executive note that in the event that the Committee does not approve this proposal, monies already supplied by TFL for the installation and upgrading of cameras are likely to be reclaimed by TFL. The Borough has been granted a total of £232,000 by TFL for the installation of new cameras and to upgrade existing cameras so that they can be used for bus lane enforcement.

4.0 STAFFING IMPLICATIONS

- 4.1 The introduction of the proposal will probably lead to an additional member of staff being employed within the Parking Enforcement section of StreetCare to process the CCTV enforced cases. The enforcement contractor, Vinci Park UK, will need to employ at least two additional members of staff in the CCTV control room to monitor and detect the parking and bus lane contraventions.

5.0 ENVIRONMENTAL IMPLICATIONS

- 5.1. Approval of this proposal will ensure the proper use of bus lanes in various parts of the Borough. This, in turn, will enable London Buses to provide a more reliable service as the bus lanes will be clear of parked and moving vehicles. This should encourage the increased use of buses thereby helping to reduce traffic congestion in the borough.

6.0 LEGAL IMPLICATIONS

- 6.1 The Statutory powers relating to enforcement of Bus Lane infringements is set out below in paragraph 7 and in the appendix to the report.
- 6.2 The arrangement proposed is a joint exercise of functions permitted by s 20 of the Local Government Act 2000, which permits the executive of one authority jointly to discharge its functions with another authority. Section 20, broadly speaking permits the executive to make the same arrangements as a local authority used to make and still can make in respect of council functions under s101 (5) of the Local Government Act 1972.
- 6.3 The secretary of State has made regulations (the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 and they prescribe who can make the decision jointly to exercise a function. In this case it will be the Executive. There is no requirement for there to be a joint committee to exercise the functions. The arrangements continue until one party withdraws from the arrangements. The agreement does have a notice period of 3 months, but otherwise continues indefinitely.
- 6.4 Transport for London is enabled to enter this type of arrangement, notwithstanding that it is not a local authority by paragraph 9 Schedule 11 of the Greater London Authority Act 1999.

- 6.5 Transport for London are insistent on entering into this type of arrangement, rather than a simple contract because of the problems of allowing a contractor to deal with the detection of offences and because they are not sure they have powers to enter into contractual arrangements with other local authorities.
- 6.6 The arrangement will prevent an offender being charged more than once or issued with multiple penalty charge notices in respect of one transgression. This could happen if the agreement were not in place as both the council and TfL operate cameras which cover the same area.
- 6.7 The Code of Practice has been approved by the Association of London Government Transport and Environment Committee which is a joint committee set up under s101 of the Local Government Act 1972 and of which this Council is a member.
- 6.8 The Code of Practice will ensure there is even-handed treatment of offenders and will ensure compliance with the Council's obligations under Article 6 (Right to a Fair Trial) of the European Convention on Human Rights. This will render a challenge to a prosecution or penalty charge notice less likely provided the code has been adhered to.

7.0 DETAIL

The proposal being put before the Executive is in two parts.

- 7.1 The Joint Agreement relates to bus lane infringements being detected by cameras on board buses. All the evidence in relation to those infringements will be collated by TFL who would then review that evidence. Those cases where the evidence is sufficient to support the issue of a Penalty Charge Notice (PCN) will then be passed to the Council for enforcement. Before passing on such cases, checks will be made by TFL to ensure that the same vehicle has not been reported for the same contravention by another agency such as the police. The Code of Practice relates to infringements in bus lanes detected by static cameras operated by the Borough. In these cases, Council staff will monitor to cameras to detect infringements and will collate the evidence. The procedure for enforcing the penalty charge, and the subsequent progression in the event of non-payment, is the same for both types of cases once the evidence is with the Council. The Responsible Officer of the Council, as mentioned at point 8 of the Joint Agreement, will be the Parking Manager.
- 7.2 All the cameras are now in position. The Code of Practice is being submitted for ALG Committee approval on 16th October, 2003. Once approval has been given, and subject to approval by this Executive Committee, it is anticipated that enforcement of bus lane infringements by both methods mentioned above will commence in November, 2003.
- 7.3 The power to enforce bus lane infringements by CCTV cameras was given to local authorities by the London Local Authorities Act, 1996, which has subsequently been amended by the London Local Authorities Act, 2000.
- 7.4 The above legislation sets out the procedures whereby Penalty Charge Notices for contraventions detected by CCTV camera, can served on the registered keeper of the vehicle by post. It also lays down quite strict time scales for the service of the Penalty Charge Notice, together with the period during which discounted payment can be made.
- 7.5 The legislation mentioned in 7.1 above also runs in parallel with the Road Traffic Act, 1991. The procedures laid down in that Act in relation to appeals and representations also apply Penalty Charge Notices issued by post following detection by CCTV camera.
- 7.6 There are a total of ten cameras located across the Borough to enforce bus route numbers 18 and 32. The exact locations of the cameras are shown in the Schedule to the Code of Practice.

7.7 The Mayor of London's office, through ALG, are very keen to get as many local authorities as possible throughout London to start enforcing parking and bus lane contraventions by CCTV. They are also very keen to have as many Boroughs as possible sign the Joint Agreement in relation to on-bus camera enforcement. The resultant clearer bus lanes and improved bus service would make a large contribution to the Mayor's plan for improved public transport services for London.

8.0 BACKGROUND INFORMATION

8.1 Details of Documents

Report:

- (i) Code of Practice for Operation of CCTV Enforcement Cameras in the London Borough of Brent
- (ii) Joint Arrangement in connection with The Enforcement of Bus Lanes Contraventions in Brent.

8.2 Any person wishing to inspect the above papers should contact Mike Lambert, StreetCare, Brent House, 347-359 High Road, Wembley, Middlesex, HA9 6BZ. Telephone: 020 8937 5603.

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