

Open Report on behalf of Executive Director for Environment and Economy

Report to:	Highways and Transport Scrutiny Committee
Date:	18 April 2016
Subject:	CCTV Pilot Scheme - Parking Enforcement Outside Schools

Summary:

As part of an over-arching strategy to improve the safety of pedestrians a pilot scheme for the use of CCTV outside schools is proposed. The enforcement of the school "zig-zags" would help to deter drivers from parking in an area that jeopardises the safety of children and school crossing patrol personnel. The mobile CCTV system could also be used to enforce other keep clear markings and pedestrian crossings.

The use of a mobile CCTV enforcement vehicle would enhance the safety of children and council employees during the opening and closing hours of schools, assist in the improvement of traffic flows and help to reduce highway congestion. The CCTV vehicle could also help to improve safety at pedestrian crossings and other keep clear areas.

Actions Required:

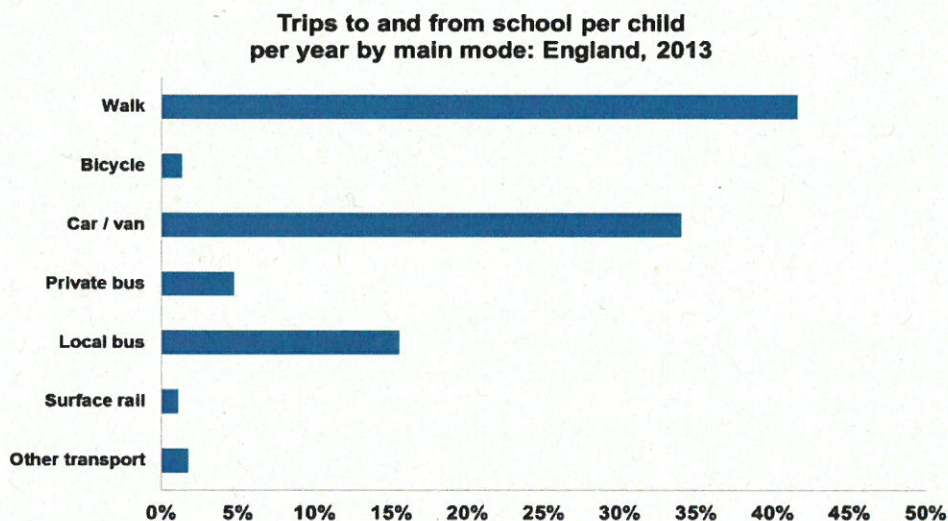
That the committee considers whether it supports the pilot CCTV enforcement scheme and considers any comments it wishes to make to the Executive Director for Environment and Economy before a decision to proceed is made.

1. Background

Since the liberalisation of school placements for children in the 1980's traffic levels associated with the "school run" has continued to increase through to the present day. On a typical morning near a school, streets can become heavily congested as vehicles pull over to allow children to disembark or vehicles are parked so that children can be escorted into the school premises. In the afternoon, streets are often clogged as vehicles are parked, waiting for children to finish the school day.

Whilst the use of vehicles in this manner is influenced by many factors, it is the perception that the heavy traffic flow is "an accident waiting to happen" along with the frustration it can cause for residents near the school that creates a relatively large number of complaints. However the actual number of incidents is quite small, when considering the number of pupils that transit daily to and from school. Data

provided by the Lincolnshire Road Safety Partnership shows that in the 5 year period to 28th February 2015, Lincolnshire had 2 incidents that resulted in serious injury to children in road traffic accidents close to school premises at drop off and pick up times.



Parking on the no stopping, keep-clear markings restricts the view of school entrances and exits for other drivers and encroaches on the safe area for school crossing patrol personnel and pedestrians, the 2 main ways of travelling to and from school.

Traditional methods of enforcement, i.e. an officer using a hand held computer and a camera are not effective when enforcing for a no-stopping contravention as the evidence gathered is often not conclusive. Utilising a CCTV system, mounted in a vehicle, to capture evidence of a vehicle pulling to a halt on the keep clear markings helps to ensure the evidence gathered is sufficiently robust to pursue enforcement of the contravention.

Parking enforcement could play a part in helping to regulate the traffic congestion around schools and act as a deterrent to inconsiderate parking. It can only be truly effective when combined with the efforts of the Highways Department, schools, pupils and parents. Therefore those schools selected for the pilot scheme should also be encouraged to engage with pupils and parents to highlight the dangers of inconsiderate parking. It is envisaged that a coordinated communications campaign will take place prior to and during the scheme.

It is therefore proposed to carry out a pilot CCTV enforcement scheme and the Executive Director for Environment and Economy will be invited to approve such a pilot through a non-key Chief Officer decision in due course.

On street enforcement contractors offer a mobile CCTV system as part of their services. There are some costs associated with carrying out the required works and regulatory measures to allow school keep clears to be brought up to an enforceable standard. The cost of implementing works at 8 locations would be £35,574.24.

A quote has been supplied from the current contractor, APCOA Parking Ltd for the provision of a mobile CCTV enforcement solution at a cost of £33,499.20.

Total costs, paid from the surplus income ring-fenced within the Parking Account, would be £69,073.44.

Divisional area managers have been approached to identify school locations that would benefit from increased parking enforcement.

The following sites have been nominated to take part in the pilot scheme:

William Alvey Primary School, Sleaford
Westfield School, Bourne
Bourne Grammar, Bourne
St Thomas' School, Wyberton Low Road, Boston
Boston West Academy Sussex Avenue, Boston
National Junior School, Castlegate, Grantham
St Francis Hill School, Bristol Drive, Lincoln
The Priory Witham Academy, Shannon Ave, Lincoln

It is proposed that the pilot scheme would start in January 2017 and be evaluated with a further report to the Committee in July 2017 prior to a final decision whether to proceed.

We have consulted with Legal Services who have advised as follows:

The basis for lawful surveillance is contained in the Human Rights Act 1998, namely Section 6 and Article 8. In essence, everyone has the right to respect for their private and family life though this right is classified as being a qualified right and hence can be interfered with in certain circumstances. The Regulation of Investigatory Powers Act 2000 provides the legal framework for conducting covert surveillance (i.e. surveillance that is carried out in a manner calculated to ensure that any persons who are subject to the surveillance are unaware that it is or may be taking place) and a specific authorisation process must be complied with. If the surveillance is undertaken overtly, there is no requirement to seek authorisation under the statutory provisions though the Council must continue to have regard to the rights enshrined in the Human Rights Act 1998.

In essence, if the proposal is to undertake overt surveillance in a marked vehicle and there is no intention of obtaining personal information further than the identification details of the vehicle, the Council will have complied with its statutory and human rights duties and obligations. The surveillance would in principle be lawful.

The Committee is asked to consider the proposal for the pilot scheme and determine whether it supports the scheme and any comments it wishes to make to the Executive Director before a decision is taken.

2. Conclusion

The introduction of the Deregulation Act 2015 legislated how CCTV could be used for enforcement of parking contraventions. As a result CCTV can now only be used in prescribed circumstances, such as keep clear zig-zags and bus lanes. Therefore the "no waiting" restrictions cannot be enforced using CCTV but could be patrolled by an attending enforcement officer. The vehicle can be used at other keep clear restrictions, pedestrian crossings and bus stop clearways when not employed outside of school premises. The CCTV vehicle could ultimately enhance the safety of members of the public.

3. Consultation

a) Policy Proofing Actions Required

n/a

4. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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