

**Open Report on behalf of Richard Wills,
Executive Director for Environment & Economy**

Report to:	Highways & Transport Scrutiny Committee
Date:	23 January 2017
Subject:	CCTV Pilot Scheme - Parking Enforcement Outside Schools

Summary:

In April 2016 Highways & Transport Scrutiny Committee recommended approval of a trial for a CCTV enforcement scheme to take place outside schools, commencing in January 2017.

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.

Actions Required:

Members of the Highways and Transport Scrutiny Committee are invited to consider and comment on the report and highlight any recommendations or further actions for consideration.

1. Background

The Department for Transport (DfT) have recently indicated that school keep clear markings cannot be enforced by Local Authorities unless there is an underlying traffic order. This guidance contradicts that previously provided by the DfT that was published within the TSRGD 2016 implemented earlier this year. This change of policy from the DfT has had an impact on Lincolnshire County Council, however the Traffic Orders Manager is currently liaising with Area Highways Managers to ensure that all necessary steps are taken to implement relevant orders and render all sites identified on the trial list as enforceable.

Prior to presenting the CCTV trial scheme proposals to Scrutiny Committee in April 2016, Area Highway Managers were approached to identify school locations that have been associated with particularly poor compliance with parking restrictions.

Since the approval for the pilot scheme was granted, Highways Officers have carried out site surveys, reviews and studies to ascertain what works would be required to ensure that road markings and signage were of a compliant nature.

Advice provided by Area Highways Managers to the Parking Services Team on completion of the studies has resulted in the withdrawal of the two previously nominated sites proposed within Bourne. Westfield School has an existing no waiting parking restriction on site and it is believed that they could not place enforceable school keep clear markings, especially given the fact that the markings should be across entrances to schools. The majority of the markings on site outside Bourne Grammar School are pedestrian crossing zig zag markings as opposed to school zig zags, and Officers feel that it would not be practical to amend and utilise this site as part of the trial scheme.

After further consultation with Area Highway Managers an additional site within Lincoln was identified to be brought into the trial. The following sites have therefore been nominated to take part in the pilot scheme:

- William Alvey Primary School, Sleaford
- 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
- Leslie Manser Primary School, Kingsdown Road, Lincoln
- Kingsdown Nursery School, Kingsdown Road, Lincoln

The areas mentioned above have been reviewed and any works necessary ordered for completion prior to implementation of the scheme.

Lincolnshire County Council's on street enforcement provider APCOA will shortly be in possession of a CCTV vehicle. Once the vehicle is on site, testing of the equipment will take place to ensure that all hardware and software requirements are met.

The County Councils communications team have been consulted and a press release will be published closer to the implementation date via local media outlets. Additionally, we will be liaising directly with the schools themselves in the lead up to the trial scheme commencing.

Legal Services have been consulted and have offered the following comments:

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 be lawful.

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 at keep clear zig-zags and bus lanes. Therefore the "no waiting" restrictions cannot be enforced using CCTV but will be patrolled by an attending enforcement officer. The vehicle will be used at other keep clear restrictions, pedestrian crossings and bus stop clearways when not employed outside school premises. The use of a CCTV vehicle will enhance the safety of members of the public.

3. Consultation

Risk and impact analysis not required with this report.

4. Background Papers

Document title	Where the document can be viewed
Highways and Transport Scrutiny Committee Monday, 18th April, 2016	http://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=492&MId=4518&Ver=4
CCTV Pilot Scheme - Parking Enforcement Outside Schools	

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