



Drive-by Spies

The growing phenomenon of the CCTV Smart Car¹

Key findings

- There are currently **54 CCTV Smart cars patrolling 31 local council areas** in Britain.
- CCTV Smart cars have generated **at least £8,069,714.67 in fines for councils** in the period 1st April 2009 – 31st March 2010. This is **equal to £322,788.58 for every council operating a CCTV Smart car**, or £187,667.78 per car.²
- In the same period, **CCTV Smart cars have been involved in the punishment of at least 187,993 motorists.**
- The **average cost of purchasing a CCTV Smart car is £40,547.83**, however the majority of councils (22 of the 31) lease their cars from private parking contractors. Given the high return in fines from these cars and the contracts, Big Brother Watch is concerned that the **spread of the CCTV car is being fueled by private contractors for commercial reasons and by councils for revenue raising purposes.**

The CCTV Smart Car is a relatively new addition to Britain's streets. If you live outside of London, Kent or the North West you may not have seen this latest extension of the surveillance state. But, given the size of the fines being raked in by the current fleet, the chances are that you will soon.

¹ *Drive-by Spies* is the second research note by Big Brother Watch, a non-partisan grassroots campaign fighting intrusions on our privacy and liberty. Big Brother Watch has already released several full-length reports into topics varying from councils placing microchips in bins to the use of RIPA. These are available at <http://bigbrotherwatch.typepad.com/home/research.html/>.

This note was written by Big Brother Watch Campaign Director Dylan Sharpe.

² These figures remove those councils that did not provide data on fines. 6 councils did not provide fines data; in total these councils operate 11 CCTV cars.



Drive-by Spies is the first piece of research into this recent innovation; detailing the number of councils that have bought and are using CCTV Smart cars, the cost of the various schemes in the past year and how many people have been caught, fined and the amount these councils have accrued in fines over the past twelve months.

Through Freedom of Information requests sent to the local councils in England known to have invested in CCTV Smart cars, Big Brother Watch has created the first annual audit of the mobile CCTV surveillance menacing drivers in several parts of the country. We will be submitting this report to the relevant Government departments and encourage our supporters to help us fight this invasion of our privacy.

To arrange broadcast interviews or discuss the research, please contact:

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The CCTV Smart car

The CCTV Smart car is a version of the popular town car, modified to include a mast, which varies from 12ft (3.6m) to 15ft (4.5m) in length, with a periscope-mounted camera attached at the top. Councils will tend to park the vehicle at known “hot-spots” and junctions to monitor traffic. The video footage recorded is returned to the council’s CCTV operation centre and analysed for parking and bus lane offences. Guilty motorists are then informed by post – around 14 days after the offence was committed.



The use of the CCTV Smart car varies. In Ilford, East London, the council purchased a Smart car specifically to ‘catch “inconsiderate” parents parking dangerously outside schools.’³ Greater Manchester Police have admitted that they use their car “to catch drivers using their mobile phones or being

³ Ilford Recorder, ‘Inconsiderate’ parents in Ilford to be targeted by CCTV smart car (Sep 2009)

<http://www.london24.com/london/pages/news/story.aspx?brand=London24&category=NewNews&tBrand=london24&tCategory=newsblock&itemid=WeED16%20Sep%202009%2012%3A51%3A06%3A733>



otherwise distracted at the wheel.”⁴ Haringey Council is one of only a few authorities that use their CCTV cars to catch moving traffic offences as well as parking violations.⁵

The controversies

Big Brother Watch opposes any increase in state surveillance. In the case of the CCTV Smart car, that opposition is intensified because these cars are directed surveillance; intended primarily to catch people out and therefore raise revenue, before any intention to make the streets safer. The sharp overheads involved in operating a mobile surveillance unit require the scheme to take in more money in fines than its operational costs.

Usage of the CCTV Smart car footage occurs after the event, with operators trawling through hours of videotape to find cars that have contravened the parking or moving traffic legislation, rather than taking place at the time of the alleged infraction. This is significant because CCTV advocates will often claim that to be of maximum efficacy, a camera needs to be watched 24/7.⁶ This surveillance is also indiscriminate; the CCTV cameras are not fixed and can therefore peer into places that would infringe the Data Protection Act if they were static CCTV cameras.

The CCTV Smart car removes the human element from surveillance, making it more indiscriminate and ignoring the grey areas in road use. In the case of parking contraventions issued by a CCTV car on the move, drivers are not given the five-minute grace period that is supposed to be granted by traffic wardens. The CCTV car is also unable to distinguish whether or not a vehicle is parked or loading goods. In the case of CCTV cars targeted at ‘distracted’ drivers, it becomes a very subjective decision on whether a driver is not concentrating on the road or the victim of unfortunate timing. The *post-hoc* nature of the punishment also makes it harder for a motorist to appeal against the fine. It is likely that most drivers will not remember the incident when the bill arrives 14 days after the event and therefore cannot realistically challenge the charge.

The unaccountability of a mobile surveillance vehicle is reinforced by the frequency with which members of the public catch CCTV Smart cars parked illegally. In September 2008, the *Streatham Guardian* reported that they had been contacted by a number of their readers about CCTV cars parked on double yellow lines.

⁴ BBC News, *CCTV cars snap distracted drivers* (April 2009) <http://news.bbc.co.uk/1/hi/england/manchester/7994449.stm>

⁵ Haringey Council, CCTV enforcement -

http://www.haringey.gov.uk/index/environment_and_transport/parking/cctv_enforcement.htm

⁶ Honess, T. & Charman, E. *Closed Circuit Television in Public Places: Its Acceptability and Perceived Effectiveness* (Home Office Police Research Group, Paper No.35, 1992)



They said the CCTV Smart Cars are contravening the highway code and creating a dangerous obstruction while they catch out motorists breaking the law in the very same way.⁷

Similar reports have also appeared in the *Bexley News Shopper*⁸ and the *Camden New Journal* was besieged by a wave of pictures sent in by residents angry at the 'one rule for them, one for us' mentality of the council's CCTV Smart car operation.⁹

Methodology

- Freedom of Information requests were used to obtain these figures. Every local authority in Britain known to have invested in CCTV Smart cars was sent a request asking for the number of cars purchased and the cost of procuring these cars. The councils were also asked for the maintenance costs, the number of motoring offences caught on camera and the total income from fines in the period 1st April 2009 – 31st March 2010. The full text of the Freedom of Information request submitted is included in Appendix 2.
- A thorough search was conducted to identify those councils that had invested in a CCTV Smart car. If we have missed any council currently operating a CCTV car from our research, please inform Big Brother Watch and we will include them in future papers on CCTV cars.
- Of the 31 councils known to have invested in CCTV Smart cars, only nine own their car outright. The other 22 councils lease their CCTV Smart cars from one of several different private organisations contracted to deal with the local authorities' Enforcement Solutions. An example of one of these companies is NSL. On their website, NSL proudly host a case study of their use of CCTV cars in Islington which demonstrates their logic behind selling them into councils:

Though Civil Enforcement Officers provide a visible on street presence the introduction additionally of CCTV has resulted in a higher PCN [Penalty Charge Notice] payment rate than CEO generated PCNs...Most importantly enforcement coverage has been extended considerably.¹⁰

⁷ Streatham Guardian, *Yellow lines fine for CCTV cars but not drivers* (Sep 2008)

http://www.thisislocalondon.co.uk/whereilive/southwest/streatham/3682659.Yellow_lines_fine_for_CCTV_cars_but_not_drivers/

⁸ Bexley News Shopper, *Drivers complain about Smart Car CCTV tactics* (Aug 2009)

http://www.thisislocalondon.co.uk/news/4569707.BEXLEY_Drivers_complain_about_Smart_Car_CCTV_tactics/

⁹ Camden New Journal, *Busted again? The wardens 'parking' on yellow lines* (June 2008)

http://www.thecnj.com/camden/2008/060508/news060508_03.html

¹⁰ NSL, *Islington Council Case Study* <http://www.nsl.co.uk/case-studies/9-cctv-moving-traffic-contraventions-enforcement>



As a result of these leasing agreements, several councils have not been able to provide a cost of purchase and instead the cost of the lease is included in the maintenance for the past year – this is made clear in Appendix 1.

- Where necessary, a council's entry in the table in Appendix 1 is accompanied by notes to explain omissions/additional information. Where councils have provided data on the number of PCNs (Penalty Charge Notices) issued by the CCTV Smart car but not the total income from these PCNs – due to the IT system not distinguishing between general PCNs and those issued by the CCTV Smart car, we have calculated the income at £30 per PCN – half of the usual £60 parking PCN.

Conclusion

The CCTV Smart car represents a worrying escalation in surveillance in Britain; from stationary eye in the sky to prowling menace, actively seeking out transgressors. Mobile CCTV is dangerous because moving cameras are able to point and film in areas no authority would dare place a static CCTV camera. Not only is it intrusive, the CCTV Smart car is also punitive in the extreme. In the past 12 months, 44 CCTV Smart cars operating in councils around the country have caught almost 188,000 drivers, racking up fines worth over £8 million. This is an extremely high rate of return from drivers committing relatively low-level offences such as stopping outside schools to drop off their children.

There is a more worrying trend to note from this research. Although nine of the councils have bought their CCTV Smart car, 22 of the 31 lease their cars from private parking contractors. As evidenced above, contractors are keen to sell the use of CCTV cars in parking enforcement to local councils. However our concern is that the high return in fines from these cars and the contracts suggests that the spread of the CCTV car is fuelled by private contractors for commercial reasons, and not in any effort to reduce dangerous driving.



Appendix 1 – Table of councils and the costs of - and revenues accrued by - their CCTV Smart cars

Local authority	Number of Smart cars	Cost of purchase (£)	Maintenance costs 01.04.09 – 31.03.10 (£)	Moving traffic and Parking contraventions 01.04.09 – 31.03.10	Total income obtained through fixed penalty notices 01.04.09 – 31.03.10 (£)	Notes
Barking and Dagenham	1	0*	24,560	14,851	695,591.69	*The vehicle is leased and not purchased
Basildon	1	49,000*	3,500	1,843	48,000	*49,000 is total cost of 5 year lease
Bexley	4	0*	0*	8,733	406,179.76	*The cars were contained within the agreement for the previous civil parking enforcement contract with Vincipark - are now owned by Bexley
Bolton	1	53,200	831.25	1,631	39,495	
Bromley	2	57,863	3,040	2,105	88,655	
Camden	4	0*	77,000	1,363**	62,501**	*CCTV cars operated & managed by Camden's on-street enforcement contractor, NSL **No information held prior to February 2010
Cheshire West and Chester	1	0*	n/a	n/a	n/a	*Although CWC answered negatively to the FOI a report in the Ellesmere Port Pioneer ('New CCTV enforcement car introduced by council for Ellesmere Port schools' 30.06.10) means the newly bought vehicle is included here
Croydon	1	0*	0*	3,924	117,720**	*CCTV car provided by Transport for London **Due to IT system, this figure is only an estimate of the income based on an average return of £30 per PCN



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Enfield	1	0*	0**	9,648	433,062.12	*Council does not directly own a smart car but does have a CCTV van leased by NSL **The cost of maintenance is covered by the annual parking contract with NSL
Hackney	3	74,000	0*	0**	0**	*Only 1 vehicle in operation - no maintenance incurred as the vehicle was under warranty from the manufacturer **System does not specify which PCN is issued by the Smart Car, all come under the CCTV heading
Haringey	2	0*	40,800	7,746	399,363	*The vehicle is leased and not purchased
Havering	2	55,812.50*	1,709	18,602	923,331	*Havering own one car and rent the other. Cost of purchase is solely for the bought car
Hillingdon	1	33,884.98	2,734.70	0*	0*	*Hillingdon responded with 'CCTV Smart car was not used to enforce parking or moving traffic contraventions'. Further queries were logged as a new FOI request, with no answer received at date of publication
Hounslow	1	74,230	0*	0*	0*	*During this period Hounslow was not using a CCTV Smart car/van
Islington	2	0*	22,800	1,648	83,425	*Maintenance cover includes total cost of purchase
Kingston upon Thames	1	0*	0**	0**	0**	*NSL have carried out a number of short term trials on behalf of the Council using one CCTV car to assess operational



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						capabilities **Information not provided
Lambeth	3	0*	0*	34,016	1,689,459.83	*Refused to disclose lease charge under Section 43 part 2 (commercial interest) of the FOIA
Lewisham	1	0*	22,200	3,378	89,490**	*Maintenance cost includes cost of purchase/ hire **Due to IT system, this figure is only an estimate of the income based on an average return of £30 per PCN
Manchester	2	87,590.38	8,192	4,294	122,372.84	
Medway	2	0*	36,612	16,129	455,027	*The CCTV vehicles are leased and these costs are included in the monthly costs
Newham	2	40,090	25,000	19,394	581,820*	*Due to IT system, this figure is only an estimate of the income based on an average return of £30 per PCN
Redbridge	1	0*	17,532	651	32,040	*No outright purchase was made for the vehicle. Redbridge pay a leasing/hire agreement for the Smart Car and its recording equipment
Richmond upon Thames	2	0*	142,568.16	12,305	573,485	*Richmond is charged £11,880.68 a month for the operation of these two CCTV vehicles. This charge includes all maintenance, insurance, tax and staffing costs for both vehicles



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South Tyneside	1	0*	n/a	n/a	n/a	*South Tyneside does not own any CCTV vehicles, however the enforcement contractor APCOA will start to operate 1 vehicle from 28th June 2010
Southwark	2	0*	0*	1,204	36,120**	*Southwark do not own the CCTV Smart Cars, however they are owned and maintained by the Contractor APCOA Parking **Due to IT system, this figure is only an estimate of the income based on an average return of £30 per PCN
Sutton	1	0*	0*	206	6,900	*Sutton hire one CCTV Smart Car on an ad hoc basis
Tower Hamlets	1	0*	11,000	3,724	111,720	*Tower Hamlets lease their CCTV vehicle
Waltham Forest	4	0*	0*	0**	0**	*Waltham Forest does not own the cars; they are supplied by a contractor through the Parking and Associated Services Contract **It is not possible to separate the penalty charge notices issued via the Smart Cars from those issued from the evidence captured from static cameras
Wandsworth	1	9,903.85*	743.69	3,303	215,239	*Wandsworth use a Citroen Belingo instead of a Smart car



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Westminster	2	0*	0*	14,217	725,851	*Westminster's CCTV Smart Car is provided and maintained by the Council's contractor - NSL Services Ltd. WCC does not hold any information in relation to the purchase and operating costs for these vehicles
Wirral	1	0*	0*	3,078	88,350	*Wirral's enforcement service provider NSL own and operate one CCTV Smart car within Wirral
TOTAL	54	535,574.71	440,822.80	187,993	8,069,714.67	



Appendix 2 – Freedom of Information request pertaining to the use of CCTV Smart cars

Dear Sir/Madam,

I am writing to obtain information about X council's use of CCTV Smart cars.

To outline my query as clearly as possible, I am requesting:

- 1) How many CCTV Smart cars do X council currently own and/or operate?
- 2) What was the cost of purchase of each CCTV Smart car to X council?
- 3) What were the total maintenance costs of running X council's CCTV Smart car(s) in the period 1st April 2009 – 31st March 2010?
- 4) A total number (or preferably a list) of the moving traffic contraventions and parking contraventions captured by the X council's CCTV Smart car(s) in the period 1st April 2009 – 31st March 2010?
- 5) If possible, the total income obtained through fixed penalty notices resulting from the above penalties captured by X council's CCTV Smart car(s) in the financial period 1st April 2009 – 31st March 2010?

Please note I am not asking for details of the defendants or the case itself.

My preferred format to receive this information is electronically, but if that is not possible I will gladly accept hard copies. I understand that under the Freedom of Information Act, I am entitled to a response within 20 working days. I would be grateful if you could confirm in writing that you have received this request as soon as possible.

Kind regards,

Big Brother Watch