

TITLE	Moving Traffic Enforcement
FOR CONSIDERATION BY	The Executive on Tuesday, 21 March 2023
WARD	(All Wards);
LEAD OFFICER	Director, Place and Growth - Simon Dale
LEAD MEMBER	Executive Member for Active Travel, Transport and Highways - Paul Fishwick

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

To provide the Executive with details of the Moving Traffic contraventions powers that if granted can be used to enforce traffic controls which are enabled through Traffic Regulation Orders (TROs) and the correct signing and lining and included the following, driving through a 'No Entry' sign; turning left or right when instructed not to do so; entering yellow box junctions when your exit was not clear; driving where motor vehicles were prohibited; and driving a private vehicle on a route for buses only and to seek approval to implement these powers.

Implementing these powers will assist with the Councils commitment to improve air quality through reduced traffic congestion and will encourage behavioural shift towards sustainable travel choices by keeping junctions and cycle lanes clear of obstructing vehicles and improve bus reliability.

RECOMMENDATION

That the Executive:

- 1) Note that the Local Highway Authority has applied to the Department of Transport for a Designation Order that would enable them to undertake enforcement in respect of Moving Traffic contraventions.
- 2) Agrees to the Civil Enforcement of moving traffic restrictions powers granted by the Department of Transport to be used to enforce contraventions at the sites detailed in Appendix A as well as any additional sites across the borough which are deemed suitable.
- 3) Agrees to setting the fee banding structure for penalty charge notices issues by APNR at level 2 which is the same as set for civil parking enforcement.
- 4) Agrees to the creation of a new post within the Council's Parking Services to support the service in the delivery of its statutory duties under the TMA 2004
- 5) Notes that further public consultation in accordance with the relevant statutory guidance must be carried out before moving traffic enforcement can be implemented in respect of further locations/restrictions which are outside of those detailed in Appendix A.
- 6) Where further sites are proposed for enforcement of moving traffic offences, authorise the Director for Place and Growth to commence consultation on those proposals in accordance with the relevant statutory guidance and, where no objections are received in response, proceed with implementation.
- 7) Approves the procurement approach of these goods/ service/ works via a direct award via CCS Framework RM6099 - Transport Technology & Associated Services to Marson Holdings who NSL are part of to align to the current contract.

EXECUTIVE SUMMARY

The Traffic Management Act 2004 gives powers to Local Highway Authorities to undertake enforcement in respect of Moving Traffic contraventions in their areas. This means traffic enforcement cameras could be used to enable the Council to enforce a variety of existing traffic restrictions on the borough's roads, to help improve safety and reduce congestion. These restrictions were previously only enforceable by the police and include driving through a 'No Entry' sign, turning left or right when instructed not to do so i.e., banned turns, entering yellow box junctions when the exit is not clear, and driving where and when motor vehicles are prohibited.

The first tranche of local authorities were granted powers in June 2022 and the Department for Transport (DfT) has will accept and grant powers to the second Tranche of authorities in June 2023. Wokingham Borough Council has applied for a designation order which would grant Civil enforcement powers to enforce moving traffic contravention by the Department for Transport (DfT) as part of the second tranche of authorities.

The application process for Local Highway Authorities was published by the DfT and all required steps have been completed and an application was submitted to the Department of Transport to meet their Tranche 2 submission deadline of the 15th February 2023.

Wokingham Borough Councils application was based on 11 main sites which were identified and selected via a review of complaints received, officer knowledge and feedback from local police. Traffic studies were completed at all sites within a long list and the 11 sites showing the highest level of driver non-compliance were selected to be included in the application.

Site	Location	Contravention
1	Broad Street, Wokingham	Banned right turn
2	Barkham Road rail crossing	Banned right turn
3	Station Road, Wokingham	Banned right turn
4	Wellington Road, Wokingham	Ahead only
5	Gypsy Lane, Wokingham	Weight restriction
6	Murdoch Road, Wokingham	Keep left
7	Goatley Way, Wokingham	One way street
8	Milton Road, Wokingham	Vehicles prohibited except buses
9	Easthampstead Road, Wokingham	Yellow box junction
10	Hyde End Road, Spencers Wood	Buses only
11	Whitlock Avenue, Wokingham	Banned right turn

Any new sites will also be selected in a similar way with the aim of achieving some of the benefits below;

- Improve road safety,
- Encourage active travel choices,
- Tackle network congestion,
- Increase public transport reliability,
- Improve air quality,
- Increase lifespan of highway assets.

Implementing the moving traffic enforcement powers recognises the dual imperatives to improve air quality through reduced traffic congestion, and to encourage behavioural shift towards sustainable travel choices by keeping junctions and cycle lanes clear of obstructing vehicles to improve bus reliability. These are also in line with the Council's wider objectives set out in the Council's local transport plans 2011 - 2026 and air quality action plan 2018 which aim to;

- Manage the impact of congestion on the highways network,
- Encourage alternative modes of travel,
- Achieve a 20% reduction in CO2 emissions,
- Improve road safety.

All sites will be enforced via the use of Automatic Number Plate Recognition (ANPR) cameras. To ensure fairness and in line with guidance, warning notices will be issued to all drivers committing a first offence within the first six months of the being implemented.

Enforcement of these restrictions will be undertaken by our existing parking service. The additional requirements to issue warning notices and the need to issue the PCN to the registered keeper requires additional resource within the parking service.

It is proposed to use the band level 2 for all penalty notices issued for all moving traffic contraventions in line with current enforcement levels used for Civil Parking Enforcement.

BACKGROUND

The Traffic Management Act 2004 gives powers to Local Highway Authorities to undertake enforcement in respect of Moving Traffic contraventions in their areas. This means traffic enforcement cameras could be used to enable the Council to enforce a variety of existing traffic restrictions on the borough's roads, to help improve safety and reduce congestion. These restrictions were previously only enforceable by the police and include driving through a 'No Entry' sign, turning left or right when instructed not to do so i.e., banned turns, entering yellow box junctions when the exit is not clear, and driving where and when motor vehicles are prohibited.

Wokingham Borough Council, as a Local Highway Authority has statutory network management duties imposed under Parts 2 and 4 of this Act, which require the Council to;

- manage its road network to make sure that traffic can move freely on borough roads and on the roads of other traffic authorities, such as Highways England (Part 2); and
- direct when works are carried out or where new public utility apparatus is placed (Part 4) under which utilities companies and others who want to dig up the road have to apply to the traffic authority for a permit.

The Council already has powers for civil parking enforcement created under Part 6 of the 2004 Act.

Parliament approved the new set of Road traffic Regulations which give effect to the Part 6 powers and allowed authorities outside London to enforce moving traffic restrictions came into force in December 2021. After this date, local authorities outside London have been able to apply to the Secretary of State for a Designation Order to obtain the Part 6 powers. The Department for Transport invited applications for Tranche 2 to be submitted no later than 15th February 2023.

The first tranche of local authorities were granted powers in June 2022 and the Department for Transport (DfT) has will accept and grant powers to the second Tranche of authorities in June 2023.

The Council has applied for a designation order which would grant Civil enforcement powers to enforce moving traffic contravention by the Department for Transport (DfT) as part of the second tranche of authorities.

Application Process

The application process for Local Highway Authorities was published by the DfT and requires that applicants should have:

- Consulted the appropriate Chief Officer of Police.
- Carried out a minimum six week public consultation on the detail of planned civil enforcement of moving traffic contraventions (rather than whether people agree with the principle of moving traffic enforcement), including the types of restrictions to be enforced and the location(s) in question.
- Considered all objections raised and has taken such steps the council considers reasonable to resolve any disputes.
- Carried out effective public communication and engagement as the council considers appropriate.

- Ensured all moving traffic restrictions to be enforced will be underpinned by accurate TROs, where applicable, and indicated by lawful traffic signs and road markings.
- Ensured all the relevant equipment has been certified by the Vehicle Certification Agency (VCA) specifically for moving traffic contraventions.
- As part of ensuring that TROs and traffic signs are accurate and lawful, applicant local authorities are encouraged to take the opportunity to identify and remove any signs that are either obsolete or no longer necessary, whether or not relating directly to the restriction being enforced.

All the above has been completed by the Local Highways Authority and an application has been submitted to the Department of Transport to meet their Tranche 2 submission deadline of the 15th February 2023.

The application, including details of the consultation and officers' responses is included as Appendix B

Selected sites

The DfT have so far set out guidelines in the form of statutory guidance that local authorities should follow when deciding where to use traffic enforcement cameras. Key requirements include:

- A survey of the existing road layout particularly road signs and markings to determine if they are visible or potentially confusing to motorists. This should also determine whether the restriction can be readily adhered to.
- A determination of compliance levels observed or recorded at the location. This could come from several sources including accident data, police records or surveys. It would not be necessary or cost effective to install a potentially expensive camera in a location if compliance levels were already generally good.
- A minimum six-week public consultation about the placement and use of each proposed enforcement camera will also be required in advance. This could also pick up feedback and observations from the public/highway users about traffic behaviour at the location and might indicate alternative solutions would be preferable.

The public engagement is intended to communicate the rationale for, and benefits of, moving traffic enforcement to residents and businesses to promote understanding, acceptance and compliance.

In addition, the DfT have stipulated that warning notices should be sent for a period of six months from the installation of a camera, when motorists commit an offence for the first time. Subsequent offences by the same vehicle/keeper would receive a Penalty Charge Notice (PCN).

Wokingham Borough Councils application was based on 11 main sites with the process allowing for further suitable sites to be included following the application being approved by the Department for Transport (DfT).

The sites were identified and selected via a review of complaints received, officer knowledge and feedback from local police. These sources were assessed, and a long list of sites created.

Traffic studies were completed at all sites within the long list and the 11 sites showing the highest level of driver non-compliance were selected to be included in the application.

Site	Location	Contravention
1	Broad Street, Wokingham	Banned right turn
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Any new sites will also be selected in a similar way with the aim of achieving some of the benefits below;

- Improve road safety,
- Encourage active travel choices,
- Tackle network congestion,
- Increase public transport reliability,
- Improve air quality,
- Increase lifespan of highway assets.

Site designs and traffic orders

All sites were assessed to ensure that the restrictions were compliant with regulations as well as clear for drivers to understand in line with guidance. Advance warning signs have also been proposed at all sites to provide drivers with adequate warning before entering the restrictions.

The site review ensures all sites are legally compliant and designed to educate motorists by encouraging behaviour change and not penalising drivers. This approach also protects the reputation of the Council by ensuring that only legally compliant sites are enforced.

Benefits

Implementing the moving traffic enforcement powers recognises the dual imperatives to improve air quality through reduced traffic congestion, and to encourage behavioural shift towards sustainable travel choices by keeping junctions and cycle lanes clear of obstructing vehicles to improve bus reliability.

These are also in line with the Council's wider objectives set out in the Council's local transport plans 2011 - 2026 and air quality action plan 2018 which aim to;

- Manage the impact of congestion on the highways network,
- Encourage alternative modes of travel,
- Achieve a 20% reduction in CO2 emissions,
- Improve road safety.

Enforcement

The government have issued guidelines that regulate how local highway authorities must enforce moving traffic offences. [Traffic Management Act 2004: statutory guidance for local authorities outside London on civil enforcement of bus lane and moving traffic contraventions - GOV.UK \(www.gov.uk\)](#)

All sites will be enforced via the use of Automatic Number Plate Recognition (ANPR) cameras. In line with government guidance, all cameras used will be [Vehicle Certification Agency](#) compliant. Any vehicles recorded to be contravening the proposed restrictions will be issued a PCN via post to the 'Registered Keeper' of the vehicle.

To ensure fairness and in line with guidance, warning notices will be issued to all drivers committing a first offence within the first six months of the being implemented.

Enforcement of these restrictions will be undertaken by our existing parking service. The additional requirements to issue warning notices and the need to issue the PCN to the registered keeper requires additional resource within the parking service.

It is proposed to use the band level 2 for all penalty notices issued for all moving traffic contraventions in line with current enforcement levels used for Civil Parking Enforcement.

PCN Banding structure

Band	Penalty charge	Penalty charge paid early	Penalty charge paid after service of a charge certificate
1.	£60	£30	£90
2.	£70	£35	£105

Proposal

Based on the above, it is proposed that the Council adopt the powers granted by the DfT which allow the civil enforcement of moving traffic contraventions on its road network to any sites which meet it's criteria as well as create a new support role within its Parking Service to assist with the discharge of its statutory functions under the Traffic Management Act (TMA) 2004.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces unprecedented financial pressures as a result of; the longer term impact of the COVID-19 crisis, Brexit, the war in Ukraine and the general economic climate of rising prices and the increasing cost of debt. It is therefore imperative that Council resources are optimised and are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Year 1 - 2023/24	£450k	Funded from invest to save	Capital

	(£187k) made up of (£310k) income £123k operational costs	Exceeds budgeted income by £84k	Revenue
Year 2 – 2024/25	(£885k) made up of: (£1,238k) income £353k operational costs	Exceeds budgeted income by £577k	Revenue
Year 3 – 2025/26	(£778k) made up of: (£1,114k) income £337k operational costs	Exceeds budgeted income by £265k	Revenue

Other Financial Information

The initial scheme includes 11 sites with this number increasing year on year. The upfront costs are capital and funded through invest to save. Ongoing costs are revenue and relate to one member of staff, and costs of administration and maintenance of enforcement process and repayment of the initial investment.

The income forecasts make assumptions for significant reductions in the number of offences as people become aware of the cameras and change their behaviour.

- Years 1 & 2 are calculated on the basis of a 50% improvement will be seen verses the survey as a result of the visual enforcement. 75% of all clips (CCTV) will be enforceable. 70% assumed payment rate, which aligns to our other civil enforcement activities.
- A 10% reduction in annual revenue per site has been forecast due to anticipated further improved compliance from year 3 onwards.

The income forecasts exceed budget income figures as a result of the survey information providing data that was not available at the time of setting the budgets and in excess of what had been anticipated.

Stakeholder Considerations and Consultation

Due consideration has been given to the need for those living, working and visiting the borough. Only restrictions which prohibit unsafe movements on the borough's roads have been identified and selected.

As part of the process and DfT guidance, the public were consulted on the proposals to adopt the powers before submitting the applications to the DfT.

Majority of the feedback received supported the proposals to adopt and use the powers. See appendix C for details of the consultations and feedback received.

The Chief of Police was also consulted on the proposal and provided feedback supporting the adoption and use of the powers.

Public Sector Equality Duty

Due regard to the Public Sector Equality Duty has been taken and an equalities assessment has been completed to ensure the proposals do not impact protected groups. A copy of the Equality impact assessment has been provided in Appendix D

Climate Emergency – *This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030*

Using these powers would contribute to the Council's objectives of reducing pollution caused by road traffic by reducing congestion on the busy routes thereby improving travel times, discouraging inappropriate journeys which would contribute to reduction in air pollution and encourage more use of public transport active travel, walking/cycling and promoting health and wellbeing.

Reasons for considering the report in Part 2

The Procurement Strategy (Appendix F) will be considered in Part 2 as it contains exempt information.

List of Background Papers

Appendix A – List of sites and site plans
Appendix B – Copy of DfT application
Appendix C – Consultation outcome report
Appendix D – Equality impact assessment
Appendix E – Consultation letter to Chief of Police and response
Appendix F – Procurement Strategy

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