



Date: 14th February 2023

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By Email

Secretary of State
Department for Transport

Dear Sir,

Traffic Management Act 2004, Part 6: Application for Designation of Civil Enforcement Area for Moving Traffic Contraventions

I have pleasure in enclosing herewith, the Council's application for moving traffic enforcement powers under Part 6 of the Traffic Management Act 2004 ("the Part 6 powers"), following the introduction on 31 May 2022 of regulations giving effect to that part of the Act.

Wokingham Borough Council, being a unitary authority, submits this application for designation as a civil enforcement area for moving traffic contraventions, in accordance with paragraph 10 of Schedule 8 to the Traffic Management Act 2004 and the conditions set out by the Department for Transport, to cover the whole of its civil enforcement area for parking contraventions.

Our submission includes the requisite application details advised by the Government as well as setting out the background and purpose for the Council seeking these powers, in support of its traffic management and road safety objectives. In common with neighbouring highway authorities and others across Britain, with whom we have engaged throughout the preparation of our submission, Wokingham Borough Council seeks to make its roads as safe as they can be, whilst encouraging active and sustainable travel choices.

As part of our congestion management programme, we require these powers to support our current efforts in tackling network congestion and increasing public



transport reliability, both of which aims sit within our Climate Emergency strategy and policies to improve air quality and support carbon reduction.

Our approach to the use of these powers, if granted, will ensure that a consistent and measured approach to site selection is taken based on an informed, robust and democratic decision-making process. This will enable each enforcement site to be systematically and methodically selected, to determine how enforcement of traffic contraventions will improve that location and achieve the above objectives.

The Council has ensured that its enforcement of all moving traffic restrictions will be underpinned by accurate and transparent Traffic Regulation Order making procedures, where applicable and indicated by lawful traffic signs and road markings. We have ensured that all of the relevant enforcement technology equipment has been certified by the Vehicle Certification Agency (VCA), specifically for moving traffic contraventions.

The Council has carried out an extensive public consultation, communication and engagement exercise, using a full range of media for the requisite minimum six-week period, on the location(s) and type(s) of moving traffic restriction selected as appropriate for enforcement action. This consultation has set out the rationale for and benefits of, moving traffic enforcement to local residents and businesses, provided an opportunity for them to raise any concerns and has taken appropriate steps to resolve all objections and concerns.

The Council undertakes to carry out all of the above steps in respect of any future enforcement locations identified and will continue its public communication and engagement activities up to the start of enforcement and for a reasonable period thereafter in every case.

I trust you will find the Council's submission and look forward to receiving your written confirmation of the extension of these powers in due course.

Yours sincerely,

Susan Parsonage

Chief Executive

Wokingham Borough Council

enclosures



- 1) Application for Designation of Civil Enforcement Area for Moving Traffic Contraventions
- 2) Site Plans
- 3) Wokingham Borough Council – MTE Consultation Report
- 4) MTE – Thames Valley Police Consultation letter Dec 2022 and response
- 5) Wokingham Borough Council Draft Traffic Order
- 6) Equalities Impact Assessment



Report title: Application for Designation of Civil Enforcement Area for Moving Traffic Contraventions under Traffic Management Act 2004.

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1. EXECUTIVE SUMMARY

- 1.1. This report is presented as Wokingham Borough Council's (WBC) application for the adoption of powers under the Traffic Management Act 2004 Part 6 for moving traffic enforcement and outlines all steps completed to meet the criteria set out by the Department for Transport (DfT).
- 1.2. The Council is applying for apply for designation as a Civil enforcement area for moving traffic contraventions under Part 6 of the Traffic Management Act 2004 in accordance with its policies and consultation feedback received.
- 1.3. This application report set out the background and rationale on why WBC is applying for the powers as well as the steps WBC have taken to achieve the DfT's requirements set out in its guidance.
- 1.4. The requirements of the DfT application process are detailed to demonstrate WBC's understanding of what is expected for a successful submission.
- 1.5. A summary of initial sites chosen for moving traffic enforcement and the rationale behind the selection is listed and supported by appendices.
- 1.6. The site review and design section outline the steps taken by WBC to assess and create designs for moving traffic enforcement at the sites shortlisted.
- 1.7. An overview of consultation and engagement undertaken by WBC is summarised and supported by the consultation report in appendix C.
- 1.8. The approach and methodology for moving traffic enforcement and how WBC will ensure it is delivered legally and in accordance with DfT guidelines is summarised at the end of this report.
- 1.9. This report is supported by appendices that provide further detail and demonstrate WBC has met the requirements to adopt moving traffic enforcement for authorities outside of London under the Traffic Management Act part 6.



2. BACKGROUND

- 2.1. 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.
- 2.2. Outside London, these restrictions were 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.
- 2.3. However, on 31 May 2022, the Government granted powers to make moving traffic enforcement (under Part 6 of the Traffic Management Act 2004) available to local authorities outside London.
- 2.4. The purpose of enabling councils to have enforcement powers is to manage safety and air quality issues at specific locations where there may be issues with persistent moving traffic offences due to stretched resources of the Police.
- 2.5. 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.
- 2.6. The Council already has powers for civil parking enforcement created under Part 6 of the 2004 Act which designates majority of the roads managed by Wokingham Borough Council (excluding the slip road sections of the A329M, the A3290 and the A33) as a Civil enforcement area.



3. PURPOSE OF APPLICATION (POLICY OBJECTIVES)

- 3.1. The Traffic Management Act (TMA) 2004, places a network management duty on local authorities. Under Section 16(1) of the TMA, local traffic authorities are required to manage their road network with a view to achieving, so far as may be reasonably practicable and having regards to other obligations, policies and objectives;
- ❖ securing the expeditious movement of traffic on the authority's road network; and,
 - ❖ facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.
- 3.2. WBC policies and [Local Transport Plans 2011 - 2026](#)¹ also set key targets which the Council aim to achieve by 2026. These include;
- ❖ managing and reducing the congestion on the Council's highway network,
 - ❖ encouraging alternative modes of transport by encouraging more walking and cycling,
 - ❖ improving road safety in the borough's roads,
 - ❖ improving average journey times,
 - ❖ reducing CO2 emissions by 20% in line with the sustainable Environment strategy.
- 3.3. Sections of the borough including parts of Wokingham Town Centre and Twyford were declared Air Quality Management Areas (AQMA) in 2016 as these areas had higher amounts of nitrogen dioxide (No2) in the area. One of the key generators of No2 is road traffic.
- 3.4. As a result, the Council published its [Air Quality Plan 2017 to 2026](#)² which set out how it aims to tackle and improve air quality in the areas AQMA's have been declared. These were centred around 3 main priorities including.
- ❖ Priority 1 – reduction in passenger cars,
 - ❖ Priority 2 – reduction in HGVs,
 - ❖ Priority 3 – encourage sustainable travel.
- 3.5. The DfT recognise that the Moving traffic restrictions can play a part in delivering a range of policy objectives. These include measures to reduce congestion, enable more walking and cycling, reduce rat-running, create more pleasant places to live and work in and improve road safety.
- 3.6. Studies also show that larger quantities of nitrogen dioxide are more commonly found in areas where there is traffic congestion. Wokingham Borough's Road network has the unique

¹ [Microsoft Word - Final Local Transport Plan.doc \(wokingham-futures.com\)](#)

² [Air quality - Wokingham Borough Council](#)



problem of serving one of the highest car ownership ratios in the UK as well having major strategic routes – the A329M and M4.

- 3.7. The Moving Traffic Civil enforcement powers would help the WBC achieve a number of the objectives set out in its strategies and key action plans above including improving safety, reducing congestion and improving air quality by enabling improved enforcement of restrictions which aim to deter poor driver habits, encourage travel mode shift and improve public transport accessibility.



4. DFT APPLICATION PROCESS

- 4.1. The Department for Transport (DfT) as part of the application process set out certain criteria which authorities must adhere to before applying for a designation order. These have been published on the DfT website [Traffic Management Act 2004: statutory guidance for local authorities outside London on civil enforcement of bus lane and moving traffic contraventions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/362222/TMA2004-Statutory-Guidance-for-local-authorities-outside-London-on-civil-enforcement-of-bus-lane-and-moving-traffic-contraventions.pdf) as well as stipulated on the requisite application form which is to be signed by the Council's Chief executive Officer and submitted when a Council completes the application process. These have been set out below.
- 4.2. **Stakeholder consultation** - Authorities are required to consult the Chief Officer of Police on their intention to apply and adopt the Civil enforcement powers for moving traffic contraventions. This would ideally be in the form of a correspondence providing information as when the application will be made and reasons for applying for those powers. A copy of the letter submitted by Wokingham to the Thames Valley Chief Officer of Police and the response received have been enclosed in Appendix D
- 4.3. **Communications and Public Consultation** – As part of the guidance provided, authorities are recommended to carry out a minimum 6-week public consultation on the details of planned civil enforcement of moving traffic contraventions, including the types of restrictions to be enforced and the location(s) in question.
- 4.4. This is intended to communicate the rationale for, and benefits of, moving traffic enforcement to residents and businesses, and allow the public the opportunity to raise any concerns. There is no requirement for newspaper advertising. Local authorities should consider the full range of media available to them when communicating with the public and should consider telling every household in the civil enforcement area (CEA) when they propose change.
- 4.5. In addition, as part of the process, the authority should consider all objections raised and show that they have taken reasonable steps to resolve the objections raised. It is worth noting that only substantive objections which raise actual issues with the sites or enforcement of the sites will need to be accepted.
- 4.6. Effective public communication methods which have a wide reach should be used by Councils to inform the public of the proposals to adopt the powers. These include local press and social media. The communications should commence before the consultation continue to run for a reasonable period after the consultation has closed. Information on the methods used to communicate the Council's proposal have been outlined in the consultation outcome included in Appendix C of this report.
- 4.7. **Review of proposed sites** – As part of the consultation process authorities are required to consult on locations of proposed site(s) where they intend to enforce moving traffic contraventions.



- 4.8. This process should involve a site selection process to ensure that suitable sites which cannot be regulated and improved by existing practices or regular improvements to the highway are selected (see below). Where the sites are established, a review of the proposed sites are also recommended to ensure that regulatory and compliant signs are in place. The review should also ensure that the restrictions are clear and easily understood by drivers.
- 4.9. **Traffic Orders** – All proposed restrictions also need to be underpinned by a valid traffic order (where applicable). The Council as part of the site review process above should review their current traffic orders and ensure that the proposed sites have complaint traffic orders before any enforcement commences. This ensures that valid enforcement is taking place at each site. To ensure accuracy, the Council will be reconsolidating the traffic orders for all proposed sites into one order. A copy of the draft order has been provided in Appendix E.
- 4.10. **Enforcement** – All equipment used for enforcing the moving traffic restrictions will need to be certified and approved by the Vehicle Certification Agency (VCA). As part of the application process, authorities will need to demonstrate that any ANPR camera suppliers which they intend to use or procure to supply the enforcement kit are VCA approved or provide VCA approved devices.



5. SITE SELECTION AND RATIONALE

Rationale

- 5.1. To apply for the enforcement of moving traffic offences, we chose sites that meet one or more of the following objectives set by the DfT:
- **Making our roads as safe as they can be.**
- 5.2. It is not always possible to use traffic calming measures such as build outs and speed cushions alone to reduce the risk of casualty at specific locations. The sites we identified as posing a risk have been selected for moving traffic enforcement.
- **Encouraging active and sustainable travel choices.**
- 5.3. We identified active travel schemes as suitable for moving traffic enforcement to protect cycle paths from illegal driving by motorists.
- **Tackling network congestion.**
- 5.4. Traffic management schemes created to facilitate the movement of traffic such as yellow box junctions have been identified as suitable for moving traffic enforcement to keep the road network free from congestion.
- **Increasing public transport reliability.**
- 5.5. Sections of the road network restricted for public transport access only, such as bus lanes have been selected for moving traffic enforcement to ensure they remain clear and uncongested.
- **Improving air quality and supporting carbon reduction.**
- 5.6. Areas showing high levels of pollution through monitoring with restrictions on vehicle access by type, such as HGVs have been prioritised for moving traffic enforcement.
- **Increasing the lifespan of our highway assets.**
- 5.7. Before prioritising a location to enforce we will carry out assessments to make sure that enforcement of offences would improve that location and help towards the above objectives.

Shortlisted sites

- 5.8. Potential sites were identified via existing knowledge of Council officers, public complaints, and feedback from discussions with police. These sources helped create a long list of potential restrictions with poor / low levels of compliance. An initial high-level review of the sites was completed to remove any confusing restrictions and restrictions not enforceable using the moving traffic contravention powers.



- 5.9. Subsequent traffic monitoring studies were completed at all sites within the long list to help understand the level of noncompliance taking place at the sites. The 11 sites with the highest contraventions were shortlisted and included as part of application. More information regarding the level of non-compliance at each site can be found in table 1 below.
- 5.10. Each site was surveyed 24hrs a day over a 3-week period between September and October 2022. Table 1 below provides a breakdown of the number of vehicles recorded contravening the restrictions. The majority of contraventions were recorded during the am and pm traffic peak times. However, contraventions were also recorded taking place outside of these times.

Site	Restriction	Total number of contraventions
Site 1: Broad Street, Wokingham	Banned right turn	301
Site 2: Barkham Road rail crossing	Banned right turn	415
Site 3: Station Road, Wokingham	Banned right turn	19
Site 4: Wellington Road, Wokingham	Ahead only	8
Site 5: Gypsy Lane, Wokingham	Weight restriction	77
Site 6: Murdoch Road, Wokingham	Keep left	73
Site 7: Goatley Way, Wokingham	One way street	28
Site 8: Milton Road, Wokingham	Vehicles prohibited except buses	1810
Site 9: Easthampstead Road, Wokingham	Yellow box junction	2906
Site 10: Hyde End Road, Spencers Wood	Buses only	291
Site 11: Whitlock Avenue, Wokingham	Banned right turn	115

Table 1; contraventions recorded at each of the short-listed sites.



6. SITE REVIEW AND DESIGN

- 6.1. In line with the DfT guidance, Wokingham Borough Council reviewed all 11 shortlisted sites proposed for moving traffic enforcement to ensure that all sites had regulatory signs and lines which complied with existing regulations.
- 6.2. Any amendments which were identified were recorded and proposed to be corrected and updated before any enforcement commences.
- 6.3. As part of the surveys, Council Engineers also assessed each site for ease of understanding by drivers and where required recommended additional carriage works to make the restrictions clearer.
- 6.4. Advanced warning signs have also been proposed at each site to provide drivers with every opportunity to avoid contravening the restrictions.
- 6.5. Site plans for all site designs for moving traffic enforcement in Wokingham are attached as appendix A.



7. CONSULTATION AND ENGAGEMENT

- 7.1. The Council engaged all major stakeholders required by the Department for Transport as stated in the Application for Designation of Civil Enforcement Area for Moving Traffic Contraventions.
- 7.2. This included emergency services, local councillors, and key stakeholders such as community groups, business network organisations and special interest groups such as cycling and accessibility organisations.
- 7.3. The following channels were used to promote the consultation:
- Local press releases.
 - WBC [News Centre](#)³.
 - WBC [Consultation page](#)⁴.
 - WBC [Traffic and Travel email bulletin](#)⁵.
 - Social media posts through Facebook and Twitter.
 - WBC website homepage provided background and a link to the survey.
 - Paper consultations including alternative language versions on request.

Police consultation

- 7.4. Jason Hogg – Chief Constable for Thames Valley Police was notified of Wokingham Borough Council's intention to apply for powers under the Traffic Management Act 2004 Part 6 to enforce moving traffic contraventions using VCA approved devices at specific sites and the selection rationale used on 09 December 2022.
- 7.5. Support for the Council's application was received from Mr Tony Griffiths – Roads Policing Operations, Traffic Management Officer on 03 January 2023.
- 7.6. Both letters are attached as appendix D.

Online consultation

- 7.7. The online public consultation was accessible through Wokingham's consultation page on the Council website for 6 weeks from 21 November 2022 to 2 January 2023.
- 7.8. Members of the public without internet access were sent a printed copy by post with a prepaid envelope for an authorised member of staff to submit their feedback on their behalf.

³ [Air quality - Wokingham Borough Council](#)

⁴ [Project • Moving traffic offences \(wokingham.gov.uk\)](#)

⁵ [Project • Moving traffic offences \(wokingham.gov.uk\)](#)



Consultation outcome

- 7.9. A total of 566 people completed the surveys via the online survey portal which received an overall majority support. Over 50% of respondents supported the Councils proposal to adopt the powers for Civil enforcement of moving traffic contraventions contained in the TMA 2004.
- 7.10. Each individual site also received majority support. Full details of the consultation findings are outlined in appendix C.

Site	Location	Contravention	Support		Against	
			No	%	No	%
1	Site 1: Broad Street, Wokingham	Banned right turn	25	74%	9	26%
2	Site 2: Barkham Road rail crossing	Banned right turn	21	81%	5	19%
3	Site 3: Station Road, Wokingham	Banned right turn	19	73%	7	27%
4	Site 4: Wellington Road, Wokingham	Ahead only	15	75%	5	25%
5	Site 5: Gypsy Lane, Wokingham	Weight restriction	17	77%	5	23%
6	Site 6: Murdoch Road, Wokingham	Keep left	12	67%	6	33%
7	Site 7: Goatley Way, Wokingham	One way street	13	68%	6	32%
8	Site 8: Milton Road, Wokingham	Vehicles prohibited except buses	17	65%	9	35%
9	Site 9: Easthampstead Road, Wokingham	Yellow box junction	13	62%	8	38%
10	Site 10: Hyde End Road, Spencers Wood	Buses only	13	72%	5	28%
11	Site 11: Whitlock Avenue, Wokingham	Banned right turn	10	67%	5	33%

Table 2; feedback for each proposed site.



8. ENFORCEMENT

- 8.1. All traffic regulation orders made for moving traffic sites will be legally compliant with the Road Traffic Regulation Act Part 1.
- 8.2. Signage installed will be appropriate for the moving traffic restriction and of the prescribed design as specified in TSRGD 2016 Chapter 3. Sufficient early warning signs will be installed leading up to a restriction without creating unnecessary street clutter.
- 8.3. The appropriate traffic management will be used to ensure the safety of other road users and pedestrians during the installation of cameras and signage at the shortlisted sites, and at any new schemes in future.
- 8.4. Only unattended VCA approved devices will be used for moving traffic camera enforcement and will consist of cameras that provide a contextual view (CV), close up view (CUV) with Automatic Number Plate Recognition (ANPR) that can read over 98% of all British and European number plates in bad weather and low light conditions.
- 8.5. Footage captured will be securely imported to a review client hosted by a CCTV provider for review by a qualified Council enforcement officer before being securely exported to the Council's notice processing system for posting.
- 8.6. The Council will ensure all Penalty Charge Notices issued at new sites for the first 6 months are warning notices only. This will be controlled in the review client by setting the type of notice as a warning before exporting to the notice processing system.
- 8.7. All appeals and representations received will be assessed by qualified appeals officers who do not review any footage captured to ensure impartiality.
- 8.8. A photographic library of installed signs and videos of the approach to a restriction from the driver's perspective will be taken when a new restriction is implemented and revisited on a regular basis to keep the Council's enforcement library up to date.



9. APPENDICES

- ❖ Appendix A – Site Plans
- ❖ Appendix B – Consultation Outcome report
- ❖ Appendix C – Thames Valley Police consultation letter and response
- ❖ Appendix D – Draft traffic order for the 11 proposed Moving traffic contravention sites
- ❖ Appendix E – Equality Impact assessment

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