



## Report to Cabinet

<b>Date:</b>	10 May 2022
<b>Title:</b>	Moving Traffic Offences and Camera Enforcement
<b>Relevant councillor(s):</b>	Cllr Steven Broadbent
<b>Author and/or contact officer:</b>	Julie Rushton. Head of Parking Services
<b>Ward(s) affected:</b>	All
<b>Recommendations:</b>	<p><b>To approve an application to be submitted to the Department for Transport for Buckinghamshire Council to apply for a Designation Order to enforce moving traffic offences.</b></p> <p><b>The cost of the cameras including the processing system is an estimated £276k, which will be covered within the existing capital programme.</b></p>

### **Reason for decision:**

These powers will enable the Council to directly influence driver behaviour and assist with the operational performance of the highway network. It will also enable the Police to concentrate their time on dealing with other matters.

### **1. Executive summary**

- 1.1 The Department of Transport (DfT) is inviting local authorities with Designation Orders for parking enforcement to apply to enforce moving traffic offences. This would help improve road safety, reduce congestion, and promote active traffic and clean air policies. Enforcement of moving traffic offences outside of London and Cardiff is currently undertaken by the Police.
- 1.2 If approved, enforcement would take place using cameras.

## **2. Content of report**

### Background

- 2.1 The Traffic Management Act 2004 (TMA) places a statutory duty on local authorities to effectively manage the Highway network. Part 6, Schedule 7, of the TMA outlines the road traffic contraventions that are subject to civil enforcement. These are:
- a) Parking contraventions (Part 1 of the Schedule);
  - b) Bus lane contraventions (Part 2 of the Schedule);
  - c) London lorry ban contraventions (Part 3 of the Schedule)
  - d) Moving traffic contraventions (Part 4 of the Schedule).
- 2.2 Across England, all authorities are now permitted to apply and enforce parking and bus lane contraventions. This is by way of an application for a Designation Order. Buckinghamshire Council currently has five Designation Orders, which in their entirety cover the whole of the Buckinghamshire county. The number of Designation Orders is largely due to the timing when legacy councils respectively applied for civil parking enforcement powers covering on and off street, and bus lanes.
- 2.3 Until now, only London authorities have been permitted to utilise the powers to enforce moving traffic contraventions. The Government is now extending this to allow authorities outside of London to apply for Designation Orders for civil enforcement of moving traffic contraventions.
- 2.4 The Statutory Instrument to provide for civil enforcement of moving traffic contraventions outside London has been laid before parliament on 27 January 2022 and is due to come into force on 31 May 2022.
- 2.5 The DfT has advised they will make Designation Orders thereafter in tranches and is aiming to lay the first Designation Order in Spring. To be included in the first tranche, applications must reach DfT by 20th May 2022 at the latest.
- 2.6 Subsequent applications will be considered as they are submitted. The second tranche Designation Order is expected late-2022. This is however subject to demand. Indications from DfT is that Orders will be laid at the most twice yearly.
- 2.7 Applications may be made for the whole, or part of, a local authority area. To reduce demands and pressure on the parliamentary timetable the DfT strongly encourage local authorities to apply for the whole area (where permitted). In accordance with Schedule 8 of the TMA, applications can only be made by local authorities who operate civil parking enforcement and within the area the Designation Order(s) cover.

- 2.8 The recommendation for Buckinghamshire Council is that the application for the Designation Order for civil enforcement of moving traffic contraventions applies to the whole of the Buckinghamshire County. At the same time, the intention is to consolidate the five designation orders, referred to earlier, into one.

#### Moving Traffic Offences

- 2.9 These powers will enable the Council to enforce certain moving traffic offences such as, no entry, yellow box junctions, banned turns, and environmental weight limits. The powers also allow stopping on school keep clears to be enforced by camera, as long as they are supported by a valid Traffic Regulation Order. A full list of contraventions that can be enforced utilising these powers is provided at Appendix A.
- 2.10 The new powers **do not** allow the Council to enforce structural weight limits; these have not been included on the final list and enforcement of these restrictions will remain with the Police. The difference between an environmental weight restriction and a structural weight restriction is provided at Appendix B.
- 2.11 Taking on the new powers will provide the Council with the ability to further influence driver behaviour, thus assist with the operational performance of the highway network and fully discharge the Council's statutory network management duty.
- 2.12 Enforcement is carried out using an approved device. This is a camera with automatic number plate recognition that has been certified by the VCA (Vehicle Certification Agency).
- 2.13 The key benefits of the Council adopting the new powers include:
- Improved pedestrian and cyclist safety, supporting modal shift to sustainable transport options.
  - Improved safety for drivers including risks associated with reduced visibility. Safety extends to passengers (private car, public transport).
  - Environmental - reduced congestion and improved air quality, thus support the Council's Climate Change and Air Quality Strategy.
  - Improved reliability and punctuality of public transport.
  - Improved response time for emergency service vehicles.
  - Improved air quality, reduction in transport related emissions contributing to carbon net zero targets.
  - Increased safety and cleaner air around schools.
  - Reallocation and saving of police time.

- Deters abuse of restrictions where the problem is such that it cannot be addressed through changes at site, such as design/additional signage, or physical patrols by Civil Enforcement Officers.
- 2.14 In terms of public safety, in some places turning movement bans are being ignored, which can result in a conflict between a vehicle and a pedestrian thereby placing pedestrians and more vulnerable highway users at risk. In other places, vehicles are stopping on school keep clears causing safety concerns and in some areas congestion.
- 2.15 It is important to get the correct balance of locations and types of restrictions. Local authorities are not required to enforce every sign or marking; instead, the guidance provides that enforcement should only be used to target problem locations. This reduces the potential to bring the Council into disrepute, or for enforcement to be seen as a revenue raising exercise. The DfT has further advised that using these new powers should not be the default solution at problem sites. Deterring contraventions by improvements in the area, such as appropriate signage, and appropriate monitoring should be considered beforehand.

#### Application to DfT

- 2.16 The DfT has provided guidance on the conditions that a local authority must meet and commit to in respect of bringing forward moving traffic enforcement sites. The key requirements are:
- a) Consulted the appropriate Chief Officer of Police.
  - b) Carried out a minimum six-week public consultation on the detail of planned civil enforcement of moving traffic contraventions.
  - c) Considered all objections raised and has taken such steps the Council considers reasonable to resolve any disputes.
  - d) Carried out effective public communication and engagement as the Council considers appropriate, for example using local press and social media, and that this will continue up to the start of enforcement and for a reasonable period thereafter.
  - e) Ensured all moving traffic restrictions to be enforced will be underpinned by accurate Traffic Regulation Orders and indicated by lawful traffic signs and road markings.  
*(Local authorities are not required to audit all their TROs and traffic signs; but instead those that are directly related to the moving traffic restrictions to be enforced).*
  - f) Ensured all the relevant equipment has been certified by the Vehicle Certification Agency specifically for moving traffic contraventions.

### Priority Locations

- 2.17 To support the application and make sure local authorities progress and implement the new powers in a timely manner, the DfT is requesting that specific sites are identified on the application and enforcement introduced to ensure the Order is used.
- 2.18 Examining road safety reports and historical data, in collaboration with TVP, the initial list of locations for Buckinghamshire have been created. The locations, which can be seen below, are deemed to be problem areas, as well as locations where utilising moving traffic enforcement powers would result in one or more of the key benefits listed above.
- 2.19 The locations (in alphabetical order of area) are:
- **Amersham** - Gore Hill - No right turn out of Fieldway on to Gore Hill
  - **Amersham** - Whielden Lane A404 - No right turn into Whielden Street
  - **Amersham** - Amersham Road (A413) junction with Pipers Wood - No U-turn
  - **Aylesbury** - Mandeville Road - No right turn into road (back of Asda near hospital)
  - **Buckingham** - High Street at the junction with Moreton Road A413 (running parallel to A422) - No entry
  - **Buckingham** - Well Street - Environmental weight restriction - Prohibition of goods vehicles exceeding 7.5 T (*please see Appendix B for more information on environmental weight restrictions*)
  - **Chalfont St Peter** - Oval Way outside Thorpe House School - School keep clear
  - **Chesham** - High Street - Pedestrian zone - Prohibition of motor vehicles except loading for commercial vehicles
  - **Gerrards Cross** - Packhorse Road junction with Station Road - Box junction
  - **High Wycombe** - Corporation Street - Prohibition of vehicles except buses and taxis (Hackney carriages only)
  - **High Wycombe** - Hamilton Road outside The Royal Grammar School - School keep clear
  - **High Wycombe** - Marlow Hill junction with School Close - Box junction
  - **High Wycombe** - Castle Street - No entry except for buses
  - **Wexham** - Uxbridge Road at the junction with Black Park Road - No U-turn
- 2.20 In addition to the safety reports and historical data, camera trials took place at Castle Street and Corporation Street in High Wycombe to assess the level of abuse. This showed that on average 480 motorists per day abused the restriction on Corporation Street and 381 motorists abused the restriction on Castle Street.
- 2.21 At the time of commencing the trials, the guidance available for enforcement of moving traffic offences showed that structural weight limits could potentially be available for enforcement by local authorities. A camera trial was therefore

undertaken at Marlow Bridge. This showed that on average the restriction is abused 97 times a day.

- 2.22 To publically engage with Members, local businesses, residents, and visitors, a consultation took place from 21 February 2022 to 4 April 2022.
- 2.23 When undertaking consultation, the DfT has informed that local authorities are not required to seek the views of the public on whether they agree with the principle of moving traffic enforcement. The consultation instead is to communicate the rationale and benefits of moving traffic enforcement to help promote compliance and to provide the public with the opportunity to raise any concerns. For example, junction design - a box junction is designed in such a way that a motorist is unable to see the exit when they enter it, or the restriction is not clear and understandable, thereby requiring amendments to the signage. These are the sort of things that drivers may raise objection to and local authorities are expected to give due regard to.
- 2.24 There is no requirement for newspaper advertising. Local authorities should consider the full range of media available to them when communicating with the public.
- 2.25 The outcome of the consultation resulted in 477 responses, of which 63% support enforcement of moving traffic offences in Buckinghamshire. A large number of responders also support the initial locations. A summary of the responses from the consultation can be found in Appendix C.
- 2.26 One of the main focuses of the consultation is to provide the opportunity to flag up any key concerns in respect of signs/lines/designs. The consultation has been effective in this regard with six sites being flagged for review. Four of which relate to signage to show the correct restriction is demonstrated, one relates to lines being faded, and one is a new design proposal. These will be reviewed and the anomalies addressed before enforcement commences. The list of associated locations can be found in Appendix C.
- 2.27 As a result of the consultation, other locations have been highlighted as problem areas, either on the grounds of safety, congestion, or obstruction. These areas have been placed on a monitoring list.
- 2.28 It is essential to continue to collate information and encourage wider buy in from all stakeholders to help assess compliance at locations where moving traffic enforcement is taking place and for monitoring purposes to help inform decisions for future locations where enforcement may be required. This includes locations where a camera has been relocated following initial compliance having been achieved. To this end, a database is being set up and we welcome feedback either through Fix My Street, or the Council's main 'contact us' form. A specific mailbox has also been set up [MTO@buckinghamshire.gov.uk](mailto:MTO@buckinghamshire.gov.uk)
- 2.29 The aspiration is to undertake a review of the initial locations approximately 12 months following installation of the cameras. This will enable sufficient time to pass following the six-month period of warning notices to first offenders. In the meantime, compliance levels will be regularly monitored.
- 2.30 All new locations will be agreed in consultation with the Cabinet Member for Transport before commencing the minimum six-week consultation - consultation is

required for every new location. There is no requirement to seek further approval from the DfT.

- 2.31 Local authorities are not required to enforce every applicable traffic sign or road marking. Instead, enforcement should only be used to target problem locations. Future locations will therefore be considered on a case by case basis. Essentially, there must be evidence of a problem and the problem is such that it cannot be sensibly 'designed out' through delivery of physical changes. Also for consideration is the implementation/operations costs, and complexity across the different restrictions. The most complex is Environmental Weight restrictions due to the allowance of local delivery.
- 2.32 Once enforcement action commences, local authorities are required to issue warning notices for the first six months. This is for first offenders only. If a motorist abuses the restriction more than once a Penalty Charge Notice (PCN) may be issued. This applies for every new location where a camera is deployed. Thereafter, appeals in respect of any PCNs that are issued will be dealt with similar to appeals for non-moving traffic contraventions.

### **3. Other options considered**

- 3.1 To not apply for the powers. The police would retain the powers to enforce moving traffic contraventions, however none of the benefits set out in the report would be realised.

### **4. Legal and financial implications**

#### **4.1 Legal**

- 4.1.1 The DfT has fully enacted the remaining elements of Part 6 of the Traffic Management Act permitting local authorities outside of London to enforce moving traffic contraventions.
- 4.1.2 New Regulations named 'The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 SI 2022 No71' have also been laid before Parliament on 27 January 2022. The Regulations together with the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022 (S.I. 2022/0000), provide for the civil enforcement of parking contraventions and bus lane contraventions in England. In addition, they provide for moving traffic contraventions, in England but outside Greater London, for local authorities that receive permission for a Designation Order to enforce these offences.
- 4.1.3 The Council will be required to adhere to the requirements set down by the DfT and ensure that the site specific Traffic Regulation Orders are compliant and enforceable, and that the required consultations are carried out.

## 4.2 Financial

- 4.2.1 The DfT is clear that whilst delivering a parking service including enforcement is self-funding, it cannot be used to purposely generate income. Any income that is received in respect of on street parking is regulated by Section 55 of the Road Traffic Regulation Act 1984, as amended by Section 95 of the TMA. Income from PCNs issued for moving traffic contraventions will be regulated in the same way.
- 4.2.2 The cost of the cameras (16 of) including the processing system, which then links to the back office parking management system is approximately £276k. The cameras will be mobile cameras enabling them to be redeployed to different locations over time, as required (subject to meeting DfT criteria). If additional cameras are required these are in the region of £20k each. In addition, costs apply to test the lighting columns to assess the viability of placing a camera on them and to source an additional electricity feed so the supply can be filtered and charged appropriately. This will apply to initial locations and locations where the cameras may be redeployed.
- 4.2.3 The cost of the system and cameras will be funded by Capital. The approved capital budget for 2022/23 is £233k. The shortfall of £43k will be covered by slippage for 2021/22 capital funding as it was originally anticipated that the powers to allow local authorities to obtain moving traffic enforcement powers would materialise in time for it to be funded out of 2021/22 Capital funds.
- 4.2.4 Thereafter, new cameras, or re-deployment of existing cameras, including testing and connection costs for the lighting column will be funded by the income received from the enforcement. It is worth noting that where cameras are in situ the footage could be provided to the Police to assist with their investigations in respect of an accident, if requested.
- 4.2.5 It is anticipated that the system will be self-funding in a little over 12 months from the point of installation. This is based on camera enforcement usually achieving 95% compliance within a given area. Of the remaining 5% of motorists who would be issued with a PCN, the current recovery rate for parking infringements is that 79% usually pay at the discounted rate. The data to calculate the above has been taken from the camera trials in Corporation Street and Castle Street, High Wycombe.
- 4.2.6 The above is a guide only, as the level of abuse and compliance rates will differ from location to location and depend on the restriction that is being enforced.

## 5. **Corporate implications**

- 5.1 Appendix D provides an Equality Impact Assessment in relation to adopting the new enforcement powers.
- 5.2 Buckinghamshire Council delivers the parking service to comply with the network management duties set out in the Traffic Management Act 2004. The enforcement itself for some locations will support active travel measures and delivery of a sustainable transport network.



- 5.3 The new powers will also support the Corporate Plan, particularly helping to improve air quality and the environment, increasing prosperity by effectively managing the highway network and supporting punctuality of public transport, all of which contribute to helping make Buckinghamshire the best place to live, raise a family, work, and do business.
- 5.4 The expectation is that implementation of the new powers and roll out thereafter will be covered by existing resources.

## **6. Local councillors & community boards consultation & views**

- 6.1 The launch of the consultation, which ran from 21 February 2022 to 4 April 2022 included an email to all Buckinghamshire Council Members. Information was also included in the newsletter that went to Town and Parish Councils and High Wycombe Town Committee, as well as being provided to local MPs.
- 6.2 Overall, 14 responses have been received from Buckinghamshire Council Members, all of which are in support of an application to DfT. An additional 18 responses have been received from Town and Parish Council Members. Of these, 56% are in support, 27% are against, and 17% are unsure. Of those that were against, the reasons ranged from potential confusion on signage following experience within London, concerns of over stretching resources, and concerns of public perception.

## **7. Communication, engagement & further consultation**

- 7.1 For public engagement, the Council utilised the full range of communication channels. This included a press release, social media, and information on the Council's website.
- 7.2 In total, 477 responses were received with 63% in support of moving traffic enforcement in Buckinghamshire. An overview is provided at Appendix C.

## **8. Next steps and review**

- 8.1 Should the recommendation be approved, the next steps will be to submit an application to the DfT for a Designation Order to enable Buckinghamshire Council to enforce moving traffic contraventions. If the application is successful it is anticipated enforcement will commence at the back end of 2022.
- 8.2 In the meantime, surveys will be undertaken of the proposed locations to ensure signs and lines are correct. Assessment will also be undertaken of the lighting columns for testing and connectivity in preparation for the cameras.
- 8.3 Procurement of the new system and approved devices is underway; this will include a data protection impact assessment. This work has commenced as the system also

enables enforcement of bus lanes, which the Council currently has the powers to undertake.

## **9. Background papers**

9.1 None

## **10. Your questions and views (for key decisions)**

10.1 If you have any questions about the matters contained in this report please get in touch with the author of this report. If you have any views that you would like the cabinet member to consider please inform the democratic services team. This can be done by telephone 01296 382343 or email [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk)