

REPORT TITLE: The Introduction of Moving Traffic Enforcement

Cabinet Date	21 st September 2022
Cabinet Member	Cllr Dom Morris - Cabinet Member for Highways & Flooding
Key Decision	Yes
Purpose of Report	<p>To seek Cabinet's approval for the council to apply for a Designation Order in relation to enforcing moving traffic offences such as yellow box junctions, prohibition of driving, gate streets, banned turns, cycle lanes, no entry, one-way streets and weight limits from the Department for Transport (DfT) depending on the outcome of a statutory consultation process.</p> <p>Should the council proceed with applying for a Designation Order, and it be approved, that Cabinet approve the enforcement of Moving Traffic Offences (MTOs) at locations around the county with a focus on road safety, managing non-compliance, active travel and improved public transport services.</p>
Recommendations	<p>That Cabinet:</p> <ul style="list-style-type: none"> (a) Approves the principle of the County Council undertaking civil enforcement of moving traffic restrictions utilising powers available to highway authorities under Part 6 of the Traffic management Act 2004 (b) Authorises a 6 week public consultation on the detail of planned civil enforcement of moving traffic contraventions. (c) To authorise the Chief Executive, in consultation with the Cabinet Member for Highways and Flooding to submit an application to the Department for Transport for making a Designation Order for the County of Gloucestershire to enforce Moving Traffic Contraventions by camera under part 6 of the Traffic Management Act 2004. (d) Authorises the delegation of all operational decisions in respect of the recommendations set out in paragraphs (b) and (c) above to the Executive Director of Economy, Environment and Infrastructure in consultation with the Cabinet Member for Highways and Flooding.

Reasons for Recommendations	The options section of this report outlines the benefits of the preferred option and the basis for the officer recommendation.
Resource Implications	<p>Additional ANPR enforcement equipment will be sourced from the council's contracted provider.</p> <p>An increase in staff resource will be required to manage the enforcement and recovery process.</p> <p>The project will deliver increased income that is anticipated to cover the costs outlined in this report, with any surplus invested in the service or other areas of highways, transport or environmental improvement as outlined in the new 2022 legislation.</p> <p>Full details of income and costs are included in the paper below.</p>
Background Documents	<ul style="list-style-type: none"> Local Transport Plan 2020-2041: Gloucestershire's Local Transport Plan (2020-2041) - Gloucestershire County Council Gloucestershire County Council Climate Change Strategy: https://glostext.goucestershire.gov.uk/documents/s77480/20221222%20Cabinet%20Glos%20Climate%20Change%20Strategy%20Annual%20Report%20FINAL%20v2.pdf Department for Transport Advice Note on Applying for a Designation Order for Civil Enforcement of Moving Traffic Contraventions August 2021: Application for a Moving Traffic Designation Order Advice Note.pdf (park-active.co.uk)
Statutory Authority	<ul style="list-style-type: none"> Traffic Management Act (2004) and associated secondary legislation Transport Act (2000) and secondary legislation The Road Traffic Regulation Act 1984 The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022
Divisional Councillor(s)	All

Officer	<p>Name: Andrew Burford Tel. no: 01452 425452 Email: Andrew.burford@gloucestershire.gov.uk</p>
Timeline	<p>September 2022 – Cabinet decision.</p> <p>September 2022 – Undertake full site surveys to identify any sign or line improvements or alternative engineering options and implement any recommendations.</p> <p>October 2022 - Develop and deploy a detailed communications strategy and commence the six-week public engagement process and review feedback.</p> <p>November 2022 – Consider the outcome of the consultation exercise regarding enforcing MTOs and finalise which locations should form part of the application for a Designation Order from the DfT</p> <p>November 2022 – Following the outcome of the consultation apply to the DfT for powers to enforce MTOs at the identified locations.</p> <p>Spring 2023 – DfT agree/reject designation order request.</p> <p>Spring 2023 (if order is granted by the DfT) – commission and install ANPR cameras and commence enforcement at the identified locations.</p>

Background

- 1 The Department for Transport (DfT) has recently announced that local authorities will be empowered to enforce Moving Traffic Offences (MTOs) as outlined in Part 6 of the Traffic Management Act 2004. It is intended that enforcement of restrictions can play a part in delivering corporate objectives such as cutting congestion and rat-running, enabling more walking and cycling, creating more pleasant places to live and work in and improving road safety.
- 2 Central government has issued guidance to councils in relation to applying for a Designation Order to enforce MTOs (Advice Note on Applying for a Designation Order for Civil Enforcement of Moving Traffic Contraventions DfT August 2021).
- 3 Prior to submitting an application to the DfT the council must undertake a 6 week consultation process with the public to notify them of the council's plans to undertake moving traffic enforcement at the stated locations, using specific enforcement equipment. The DfT have confirmed that it is not an opportunity for the public to comment on the transfer of powers from the police to the local authority, it is about enforcing at the actual physical locations. It is also not an opportunity to object to the actual restriction that is in place.
- 4 The implementation of enforcement at specified locations should only take place following an extensive evaluation of road safety data, signs and lines, the implementing of potential engineering solutions or other improvement measures. Evidence of this work having taking place is a requirement of the DfT application. Furthermore, the application must contain evidence that the Chief Constable of Gloucestershire Constabulary supports the council's application, support was formally confirmed in April 2022.
- 5 Following evaluation of the consultation, the road safety audit of potential locations and support from the Local Constabulary the council can proceed with its application for a Designation Order to enforce MTOs.
6. Officers are keen to explore the benefits of enforcing MTOs utilising Automatic Numberplate Recognition (ANPR) Cameras. As part of these preliminary works transport consultants Streetwise Services Limited, specialists in undertaking ANPR traffic surveys, have been commissioned to undertake site surveys at several locations around Gloucestershire. This will help the council to understand the impact that MTOs are having on the highway network.
7. Fourteen sites were selected to have surveys undertaken; these locations and the restrictions being monitored are listed in the results table below. These survey sites were based on recommendations from Local Highway Managers and Stagecoach. As can be seen from the table a wide selection of restrictions have been surveyed including weight limits, banned turns, prohibition of driving and yellow keep clear boxes.
8. The physical ANPR equipment will be sourced using the council's existing ANPR contract for new equipment. This was let in partnership with Strategic Procurement in July 2021 and makes provision for procuring moving traffic enforcement equipment.

Survey Findings

9. Traffic surveys have been undertaken between November 2021 and March 2022, while no COVID 19 government restrictions were in place, at all locations. These used ANPR equipment that included the capture of the time, date, vehicle registration mark (VRM) and vehicle class. This resulted in the numbers of MTOs being identified during the survey period. The surveys took place between the times of 6am and 8pm.

10. Road safety collision data for the identified locations has been analysed. This data shows all serious accidents resulting in injury at the study locations from January 2018 to February 2022. It should be noted that non injury collisions and near misses are not included in the data.

11. Accidents have occurred at nearly all the locations studied. ANPR might have acted as a safety deterrent to prevent some of these collisions, particularly those at Montpelier, Cheltenham and Bruton Way, Gloucester. It has been confirmed that none of the survey locations are accident hot spots.

12. The table below shows the locations, the restrictions at the location and the number of moving traffic contraventions identified at each location during the ANPR survey.

No	Location	Town	Restriction	No of MTOs	Collision Info
1	Durham Close, Warden Hill	Cheltenham	Restriction: Prohibition of driving Hours of operation: Monday to Friday, 08:15 – 09:00am & 14:45 – 15:30pm Exemptions: highway maintenance, utility work, emergency services, blue badge holder, permit holder	31	Zero collisions at this location since 2018
2	Rope Walk	Tewkesbury	Restriction: Prohibition of driving Hours of operation: Monday to Friday, 08:15 – 09:00am & 14:45 – 15:30pm Exemptions: highway maintenance, utility work, emergency services, blue badge holder, permit holder	17	Zero collisions at this location since 2018
3	Cricklade Street	Cirencester	Restriction: Prohibition of driving Hours of operation: 09:30am – 16:30pm. Exemptions: Loading and unloading, access to no. 40 Cricklade St, Highway maintenance, utility work, emergency services & collecting and delivering post.	6	1 collision at this location. ANPR would have helped identify the vehicle involved
4	Brunswick Road/ Parliament Street	Gloucester	Restriction: Banned right turn Hours of operation: At any time Exemptions: Emergency services and buses	Brunswick- Parliament Street: 56 Parliament Street- Brunswick: 107 Total: 163	1 collision at this location. ANPR might have helped to avoid this accident

5	Ermin Street	Gloucester	Restriction: 7.5 tonne weight limit Hours of operation: At any time Exemptions: highway maintenance, utility work, emergency services, local agricultural purposes, buses, bin lorries.	West - 22 East - 11 Total: 33	6 collisions at this location but all outside of the weight limit zone
6	Bruton Way - Junction with Market Parade	Gloucester	Restriction: Yellow box junction Hours of operation: At any time Exemption: N/A	439	1 collision at this junction – unclear if ANPR would have helped avoid the collision
7	Bruton Way - Junction with Station Road	Gloucester	Restriction: Yellow box junction Hours of operation: At any time Exemption: N/A	204 vehicles queuing across junction	1 collision at this location. ANPR might have helped avoid these collisions
8	Bruton Way - Junction with Transport Hub and Station	Gloucester	Restriction: N/A. Possible site for new Yellow Box Junction Times of operation: At any time Exemption: N/A. Stopped in the selected area to make a right turn.	Vehicles are queuing across junction at all observation times	5 collisions at this location – a yellow box may have helped prevent the queuing traffic that was a factor in half of the collisions.
9	Alstone Croft	Cheltenham	Restriction: No right turn Times of operation: At any time Exemption: N/A.	5 vehicles identified as contravening the restriction	1 – it is unlikely that ANPR would have had a positive impact with this collision.
10	Berkeley High Street	Berkeley High Street	Restriction: 3.5 tonne weight limit Hours of operation: At any time Exemptions: highway maintenance, utility work, emergency services	18 vehicles over 3.5t captured in a day	1 – it is unlikely that ANPR would have had a positive impact with this collision.
11	Bibury Bridge	Bibury village	Restriction: Bridge 17t tonne weight limit Hours of operation: At any time Exemptions: highway maintenance, utility work, emergency services, permit holders	20	3 – one involving a goods vehicle that could have exceeded the weight limit. ANPR might have had a positive impact with this collision
12	Henrietta Street, Cheltenham	Henrietta Street, Cheltenham	Restriction: One Way Hours of operation: At any time Exemptions: highway maintenance, utility work, emergency services, permit holders	0	2 – but none where ANPR would have had an impact
13	Lobleys Drive, Brockworth & Abbeymead	Gloucester	Restriction: 3.5 tonne weight limit Hours of operation: At any time Exemptions: highway maintenance, utility work, emergency services	50	3 – none involving vehicles above the specified weight limit

14	Montpellier Street/A40 Cheltenham	Cheltenham	Restriction: Yellow box junction Hours of operation: At any time Exemption: N/A	79	2 – both involving cars and cyclists. ANPR may have had a positive safety impact in both collisions
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13. It has been assumed that each offence identified would generate a Penalty Charge Notice (PCN) being issued to the registered vehicle keeper. It has been confirmed that a PCN would cost the offender £70, or £35 if paid within 21 days. It should be noted that the current ANPR PCN recovery rates are at around 80%.

Non-Financial Benefits

14. Based on the survey results a considerable number of non-financial benefits have been identified should enforcement take place at the identified locations.
15. The ANPR cameras identified several locations where there is mass non-compliance of a restriction. The breaching of the restrictions at several of the sites creates a safety risk, particularly at the yellow box junctions and the banned turns surveyed. The commencement of enforcement at these locations will offer improved safety for all road users and pedestrians.
16. The survey sites where yellow box junctions were being analysed were proposed by Stagecoach to help improve bus journey times and timetable reliability. Enforcing at these locations would ensure a better level of compliance, pedestrian, public transport and cycle access while improving traffic flow and managing congestion.
17. Promoting public transport and reducing end to end journey times encourages a modal switch from private vehicles to more environmentally sustainable transport, improving air quality and the quality of life in the area. These objectives align with the Gloucestershire Local Transport Plan 2020-2041.

Proposed Phase 1 Locations

18. Following analysis and evaluation of the survey results it is proposed that five locations are used as the basis to consult with the public in relation to the introduction of moving traffic enforcement. Dependent on feedback from the consultation these are proposed to form the basis of the application to the DfT.
19. The proposed locations are listed in the table below, with number of offences captured, estimated numbers of annual offences and safety benefits.
20. The numbers forecast in relation to annual offences are based on a reduction in offences after enforcement commences at the locations and taking account of the council's current collection rate of 80%. It is assumed that only 10% of those offences captured in the survey would result in a PCN being paid to the council. Sundays and bank holidays have also been excluded from the forecasting calculation.

Location	Offences Captured in Survey	Estimated Annual Offences	Safety Benefit
Brunswick Road/Parliament Street	107	2,540	Vehicles undertaking a right turn from Parliament Street are subjecting cyclists, pedestrians and other road users to risk as a result of the manoeuvre required at the junction
Bruton Way/Market Parade Box Junction	439	10,922	Vehicles queuing in the box junction are creating a hazard for all road users due to restriction vision at the junction for pedestrians, cyclists and other road users. Vehicles queuing in the yellow box also causes delays to bus services.
Montpellier Street/Lansdown Road Box Junction	79	2,032	Vehicles queuing in the box junction are creating a hazard for all road users due to restriction vision at the junction for pedestrians, cyclists and other road users. Vehicles queuing in the yellow box also causes delays to bus services.
Alstone Croft – Banned right turn.	5	127	Vehicles turning right at this junction create a safety risk to other road users, pedestrians and cyclists.
Cheltenham High Street Bus Gate	n/a	n/a	Site surveys and observations have identified mass non-compliance of the bus gate and Prohibition of Driving restrictions at this location, causing safety concerns to pedestrians and cyclists as well as delays to bus services due to increased congestion in the High Street.

21. Despite the survey at Alstone Croft only identifying a modest number of contraventions it has been selected as a pilot area due to the fact that the lack of enforcement has been constantly raised by the local members and community. There has also been several reported near misses to cyclists at this location that justify enforcement on the grounds of safety. It is envisaged that the camera at this location could be relocated when compliance levels are improved.
22. Site surveys and observations of the bus gate and Prohibition of Driving restrictions in the High Street, Cheltenham has identified mass non-compliance with this restriction, causing a safety risk to pedestrians and cyclists. Furthermore, local bus services are being delayed by increased congestion and parking in the High Street. It is proposed that this location is included in the list of pilot locations due to the considerable impact the non-compliance is having in this busy Cheltenham street.
23. It should be noted that if the DfT grant enforcement powers to the council, other areas around the county, across all six districts, will be identified to potentially enforce MTOs. Any

new enforcement locations, following the granting of powers by the DfT, will follow the guidance as set out by central government. This will include 6 week consultation with the public and stakeholders. Prior to each site being consulted on road safety data will be analysed, along with consideration of feasible highway engineering solutions and to review traffic orders and compliance of signs and lines.

24. Additional locations will be reviewed and analysed for feasibility which will aim to improve safety for vulnerable road users such as pedestrianised areas and where cycling is in higher demand, for example the gate streets in Gloucester and countywide cycle lanes.

Options

Option 1: Apply for powers to enforce Moving Traffic Offences (Recommended Option)

25. It is recommended that Cabinet approve the proposal to apply for powers with the DfT to enforce MTOs (dependent on the outcome of public consultation and the DfT granting the necessary powers) in the county in line with central government guidance and advice notes.
26. The enforcement of MTOs delivers considerable non cashable benefits by improving safety, traffic flow and improving public transport journey times as outlined above.
27. Enforcement at these locations is expected to be cost neutral with any surplus generated by enforcement being reinvesting in parking services, environmental schemes, highway improvements or public transport, as outlined by the legislation.

Option 2: Do not apply for powers to enforce Moving Traffic Offences

28. If the option of applying for enforcement powers from the DfT is not progressed, then the council will not have the option of enforcing MTOs. This would mean that the council would be unable to use enforcement as a critical safety tool for improving compliance and reducing risk at several key locations on the highway network.
29. Enforcing MTOs to improve safety at identified locations supports road safety and improves traffic flow and supports improved public transport journey times.
30. Due to the benefits of enforcing MTOs this option has been rejected.

Risks

31. Several risks have been identified with the project; these are outlined with mitigation below.

Risk	Mitigation
Application rejected by the DfT because of an error or omission	The application will be compiled with diligence and referenced with the DfT guidance. The document will be read and signed off by the Chief Executive, in consultation with the Lead Cabinet Member for Highways and Flooding prior to submission to the DfT.

Numbers of MTOs at a location do not reduce despite enforcement	The numbers of MTOs at each location will be closely monitored. Should the numbers of PCNs not reduce over a period of 12 months then enforcement will be suspended to allow a review of measures and solutions as enforcement has not been successful.
Numbers of MTOs at a location decrease following enforcement to negligible levels	Should installation of ANPR and enforcement result in numbers of offences drop to negligible levels then the ANPR equipment would be relocated to another location to ensure maximum value of the investment in equipment.
The current parking enforcement contractor is unable to recruit staff to undertake the reviewing of MTOs.	Currently, the parking enforcement contractor is having difficulties recruiting staff. Should the supplier be unable to recruit staff the council will outsource the service to another provider, as outlined in the contract terms and conditions, and only as a last resort would we take the function in house, in full consultation with GCC's Human Resources Team.
The scheme does not recover the costs of enforcement	Scheme expenditure and income shall be monitored as part of the parking monthly income reconciliation. Any risk of costs not being recovered will be flagged with finance and measures put in place to avoid an overspend.

Financial implications

32. Enforcement at the proposed locations is expected to be cost neutral with any surplus generated by enforcement being reinvested in parking services, highway improvement or public transport, as outlined by the legislation.

Climate change implications

33. Enforcement of MTOs has a reducing effect on local polluting emissions, as it supports public transport by enforcing restrictions that help speed up bus journey times making them more attractive to users and supporting modal switch from private car to alternative, less carbon intensive forms of transport.

34. The introduction of moving traffic enforcement supports council and Gloucestershire Local Transport Plan 2020 to 2041 objectives in regards highway and traffic management.

Equality implications

Has an Equalities Impact Assessment (EIA) been completed? Yes

35. Cabinet Members should read and consider the Equalities Impact Assessment in order to satisfy themselves as decision makers that due regard has been given.
36. It is considered that enforcement of MTOs is likely to have a positive impact on certain protected characteristics, such as age and disability, as the intention is to increase safety and reduce congestion.
37. The EIA shall be reviewed following the results of the public consultation, if appropriate.

Data Protection Impact Assessment (DPIA) implications

38. Personal data is collected on a large scale as part of the enforcement of traffic offences therefore, a Data Protection Impact Assessment has already been completed for the existing provider of our ANPR cameras, as well as a comprehensive Privacy Notice which gives transparency to the public on how their data is collected and used.

Social value implications

39. The council's contract to provide ANPR equipment required suppliers to propose a number of social value initiatives based on carbon reduction and other areas of added value.

Consultation feedback

40. Officers have consulted with a number of other authorities such as Bath & North East Somerset and Leicester. Several British Parking Association workshops were attended regarding the development and implementation of the legislation - the DfT were involved in these sessions.
41. Prior to submitting an application to the DfT the council must undertake a 6 week consultation process with the public to notify them of the council's plans to undertake moving traffic enforcement at the stated locations. The DfT have confirmed that it is not an opportunity for the public to comment on the transfer of powers from the police to the local authority, it is about enforcing at the actual physical locations. It is also not an opportunity to object to the actual restriction that is in place.
42. The consultation requirements are outlined in the DfT guidance titled "Advice Note on Applying for a Designation Order for Civil Enforcement of Moving Traffic Contraventions DfT August 2021" and requires councils to effectively engage and communicate with the public using social media, the written press and other methods of engagement.

Officer recommendations

43. That Cabinet agree to Option 1 in this paper.

Performance management/follow-up

44. Should DfT consent be granted then considerable monitoring of enforcement of MTOs at the pilot locations will be required. Monitoring of MTOs will be incorporated into the Parking Team's monthly monitoring processes.

45. Where enforcement is undertaken at a location on the highway network extensive monitoring of PCNs issued will take place. This shall ensure that effectiveness of the enforcement can be monitored with any variations understood and appropriate action undertaken, for example identified any physical engineering solutions or additional signage if offences are not decreasing.
46. Should MTOs reduce to a negligible level at a location then the equipment can be relocated to a new site. This is significantly cheaper than purchasing new equipment for additional sites. In summary this would be a mobile approach.