

Report to the Cabinet

Meeting to be held on Thursday, 1 December 2022

Report of the Director of Highways and Transport

Part I

Electoral Division affected:
(All Divisions);

Corporate Priorities:
Protecting our environment;

Moving Traffic Enforcement Powers

(Appendices 'A' and 'B' refer)

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Brief Summary

Since the introduction of the Traffic Management Act 2004 legislation has been in place (but not enacted) to allow councils to undertake moving traffic enforcement. In 2022 the power was enacted, and councils can now apply to take on these powers. The Secretary of State extended the deadline for tranche 2 submissions to 13 January 2023, this report sets out an overview of the powers, the process of application and the potential start date if the application is successful.

Recommendation

Cabinet is asked to authorise the Regulation and Enforcement Manager, in consultation with the Cabinet Member for Highways and Transport, to submit a completed application, signed by the Chief Executive, for the provision of moving traffic powers in line with the requirements set out by Government and as set out in the report.

Detail

Since May 2022, local authorities with highways responsibilities, have been able to take on the powers for the enforcement of certain moving traffic offences, including yellow box junctions, one-way streets, and prohibited turns. These powers do not affect speed enforcement or obstruction of the highway which remain within the sole



remit of the police. Unlike the decriminalisation of parking enforcement in 2004 this process does not remove the ability for the police to enforce moving traffic contraventions. To be afforded these powers the council is required to apply to the Department for Transport. The current tranche of applications needs to be submitted by 13 January 2023 which if successful would result in the council being given the power to enforce by July 2023.

To provide enforcement at chosen locations the council will be required to utilise Automatic Number Plate Recognition cameras in the same way county bus lanes are enforced, using the same approved devices. In line with Government requirements during the first six months of enforcement warning notices must be issued for a first offence which allows the council to engage directly with drivers to educate them to the contravention that they have committed. A contravention results in a Penalty Charge Notice of £70 being issued with a 50% discount if paid within the first 21 days.

By taking on these powers, the council will be able to provide a more robust and effective enforcement provision on locations that cause concerns for residents and highway users. Effective enforcement and subsequent increases in compliance will support:

- Making roads safer
- Improving Air quality
- Improving journey times and reducing congestion

Some initial locations must be included in the application, however, once the powers have been granted the council will be able to consider other locations without having to apply to the Department for Transport each time. A full list of the restrictions that are included in the new moving powers is included in Appendix 'A'.

Applying for the powers

Before the council can apply for the enforcement powers several criteria have to be met. These have been clearly set out in Government communications and are set out below with an update of the council's position on progress:

- *"Consulted the appropriate Chief Officer of Police."* – the council has written to the Chief Constable of Lancashire Constabulary; at the time of writing this report the matter is being considered by the road policing department's Chief Inspector.
- *"Carried out a minimum 6-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. This is intended to communicate the rationale for, and benefits of, moving traffic enforcement to residents and businesses, and allow them the opportunity to raise any concerns"* – 4 sites have been selected and the 6-week consultation process, meeting the above requirements, is underway at the time of writing this report.
- *"Considered all objections raised and has taken such steps the council considers reasonable to resolve any disputes"* – Objections received up to the



drafting of this report are included with subsequent objections being reported as soon as the consultation period ends in time for Cabinet to consider all the submissions. These subsequent objections, if any, will be set out in Appendix 'B' which will be available in time for the meeting of Cabinet.

- *"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"* – Information has been posted on the county council's website, emails have been sent to all county councillors, and to district and parish councils. Posts have been issued on the county council's social media feeds and a press release issued that has resulted in press articles.
- *"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."* – A process for reviewing the restrictions is underway and will be completed prior to any enforcement being undertaken in 2023.
- *"Ensured all the relevant equipment has been certified by the Vehicle Certification Agency (VCA) specifically for moving traffic contraventions"* – The council's existing camera solution meets all the Vehicle Certification Agency and legal requirements and will be deployed to undertake the enforcement of the successfully consulted restrictions.

The Department for Transport has provided a template letter which can be completed to make the council's submission before 13 January 2023. The application is submitted by the Chief Executive of the council. It is therefore requested that approval, subject to the successful outcomes of the Chief Constable and public consultations, is given for this application to be submitted on behalf of the council.

Consultations

At the time of drafting this report the consultation process is underway and has received 162 submissions. The consultation has been widely promoted and feedback is via an online questionnaire or email. The questionnaire provides an opportunity to offer views on each of the 4 proposed locations, responses that "neither agree nor disagree" or "Don't Know" have been reviewed and their comments considered. Only responses that offer an agreement or disagreement to each of the sites will form the statistical data provided below for each location. The complete overview of the consultation responses following the end of the six-week period will be set out in Appendix 'B' which will be available at the end of the six-week period and prior to the meeting of Cabinet.

General comments

Some of the responses regarding the individual locations included general comments that were repeated across the survey and were not specific to the location being asked about, there was also an opportunity to provide general comments at the end of the survey these can be summarised as follows:



- The money spent on enforcement could be spent elsewhere making the highway better.
- Automatic Number Plate Recognition is a money-making scheme.
- More locations should be considered.
- More infrastructure for cyclist and pedestrians should be provided.
- The police should enforce these issues not the council.
- Speeding issues.
- What evidence has been used to choose these sites.

Officer comments

It is expected that moving traffic enforcement will be self-financing, meaning that any money spent introducing the scheme will be recovered through its operation, the level of abuse however is expected to be much lower than the existing bus lanes throughout the county. With changes to how camera enforcement is introduced, including a period of 1st offence warning notices, the aim is to ensure that compliance should be achieved through education with only the regular offenders receiving a financial penalty. Any surplus that is generated is subject to a clear set of legally defined areas in terms of how it can be spent. In Lancashire any surplus contributes to the highways and transportation services which includes infrastructure to encourage more cycling and walking.

The police also retain the power to enforce these locations alongside the many other moving traffic locations that are not being considered by the council at this time, ensuring a comprehensive enforcement regime is maintained to encourage compliance to the rules of the road.

A requirement of the application for moving traffic powers is the inclusion of some initial sites. Across the county there are several hundred possible locations that could be enforced as part of this process. Metrics that can support the introduction of enforcement includes – history of accidents, public complaints, air quality, network management, etc. Prohibition of turn and one-way streets are the simplest restrictions for drivers to understand and are less likely to be abused than, for example, yellow box junctions. Each of the locations were identified by officers as having accidents, observed abuse and/or complaints against them. If cameras are installed and compliance is achieved, then new locations will be considered in the future.

Individual comments were also received for each location:

1. **Charnley Street, Preston** – One way section of road
 - a. Vehicles regularly abuse the no entry/one way street to exit onto Corporation Street. The route is popular with drivers avoiding the bus gate on Fishergate.

42 Respondents agreed there was an issue at this location whilst 61 disagreed.



Comments included:

- 19 responses stated that they have witness the issue and supported enforcement whilst 14 stated they had never seen the problem.
- The enforcement of the one way will force car park users to undertake a large diversion route round the city when leaving.
- It should be two-way to let people avoid the bus lane.
- There have not been any accidents at this location.
- Signing is not clear.

Officer comments

Whilst currently more respondents disagree with this location officers have attended the site and witnessed vehicles moving against the one-way order, several of the responses against the enforcement of this section of road specifically stated that they went the wrong way to avoid 11am – 6pm Fishergate bus lane or diversion route. The signing will be reviewed and enhanced as part of the council application requirements. The Fishergate public realm works extended onto Corporation Street and the junction of Charnley Street has been built specifically for traffic entering Charnley Street, the conflict between cars exiting against the one way and the entering vehicles occurs at the narrowest point of the road which is where the pedestrian crossing point is located. The one-way section deters the rat running through the city centre that the bus lane was introduced to remove, making the road two way would encourage more traffic movements by providing a route through the centre rather than the preferred routes around the city centre.

2. **Ringway/Bow Lane** – prohibited movements (no right turn, no U-turn)
 - a. Bow lane junction of Ringway is often raised in complaints. Vehicles that ignore the prohibited movements can come into conflict with pedestrians crossing sections under a green man.

56 Respondents agreed there was an issue at this location whilst 52 disagreed.

Comments included:

- The U-turns are because of the road works in the city centre.
- Pedestrians don't use this junction so there is no conflict.
- Change the layout of the junction.
- The practice is a nuisance or dangerous to other drivers.

Officer comments

The junction of Ring Way and Bow Lane has received complaints for several years. Many of the complaints and abuse predate the road works that are occurring further along Ring Way. The site is signal controlled and has various pedestrian phases. The feedback is that the junction does not attract many pedestrian movements however it is noted in the responses those that do cross "take their lives in their risk when trying to cross Ringway". The junction has a record of 4 accidents in the last 5



years and receives regular complaints from road users. The junction, if the restrictions are followed, operates well and all traffic movements are managed by the signals. In previous years the police have offered enhanced enforcement and the council has placed temporary awareness signs to deter the abuse, the council will be able to offer a more comprehensive enforcement process that will ensure that the junction operates correctly.

3. Morecambe Road, Lancaster (Aldi) – Prohibition of Right turn

- a. Abuse of this prohibited turn results in vehicles coming into conflict with traffic on the busy main road that may be queuing to enter the junction on the right turn lane.

34 Respondents agreed there was an issue at this location whilst 37 disagreed, comments included:

- Respondents both reported never seeing this abuse with others seeing lots of abuse of this turn.
- Can the junction not be signalised?
- Other junctions along this road should be considered

Officer comments

The many respondents who were in favour reported near misses or witnessing accidents at this location. However, those who disagreed were split between some that didn't believe there was an issue and others who felt that the council should be looking at other junctions, introducing signals or not bothering enforcing the location. The junction has 3 recorded accidents in the last 5 years and the prohibited turn is in place to manage the conflict with traffic on the main road. Signalising the junction is not possible due to the proximity of the signalised pedestrian crossing point 45 metres away. Once the council has the powers to enforce moving traffic restrictions other junctions can be considered for enforcement but would also be required to go through the same 6-week consultation process.

4. Hyndburn Road, Accrington (McDonalds) – Prohibition of Right turn

- a. The location has had 2 accidents in the last 2 years. The junction has been designed to encourage the left turn only from west bound traffic, vehicles approaching from the West (Eastbound) should go round the roundabout to gain access to the site.

25 Respondents agreed there was an issue at this location whilst 24 disagreed.

Comments included:

- The majority of comments were in favour of this location Respondents both reported lots of near misses with only a few stating they had not seen the abuse occur.
- The manoeuvre is dangerous



Officer comments

The split of agree to disagree was numerically similar however the comments that were received were mainly in support of enforcing this location. As noted there have been accidents at this location, vehicles wanting to access the location only have to proceed ahead, go round the roundabout and then enter legally. The curve of the highway on the approach means that vehicles making the incorrect turn are not as visible to oncoming traffic hence the prohibited turn being put in place for safety.

Implications:

This item has the following implications, as indicated:

Risk management

Should approval not be granted to apply for the moving traffic powers within this cycle there would be a delay in the introduction of the powers for the council. The Department for Transport is actively encouraging councils, who can meet the deadlines for this tranche, to do so as there is no current plan for when the next cycle of applications will be considered. With the current time taken to move from application to launch (over 6 months) missing this application window (for a launch in 2023) will likely see powers be delayed to 2024 at the earliest.

Legal

Schedule 7 Part 4, paragraph 8 of the Traffic Management Act 2004 outlines what a moving traffic offence is in law.

The traffic signs subject to civil enforcement can be found in paragraph 8A and include the type mentioned previously in the report and outlined in Appendix 'A'.

Part 6 of the Traffic Management Act 2004 enable local authorities to use the powers.

The following Statutory Instruments brought the powers into force: -

Statutory Instrument 2022 No.71 The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.

Statutory Instrument 2022 No.576 The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022.

Statutory Instrument 2022 No.66 The Traffic Management Act 2004 (Commencement No.10 and Savings and Transitional Provisions) (England) Order 2022.

The above Statutory Instruments commenced on 31 May 2022.



Financial

Any location requiring enforcement will need the introduction of CCTV Automatic Number Plate Recognition camera solutions to allow enforcement, the cost for an approved fixed camera, including site analysis, power and commissioning will be approximately £20,000 - £25,0000 per site. It is expected that the introduction of the scheme will be cost neutral, and therefore any costs will be funded from income received from enforcement.

Camera locations will be regularly reviewed and if compliance has increased enforcement may no longer be required at a particular location, this allows the camera asset to be moved to other locations to maintain an effective and cost-effective enforcement regime.

List of Background Papers

Paper	Date	Contact/Tel
None		
Reason for inclusion in Part II, if appropriate		
N/A		

