

Central Bedfordshire Council

07 June 2022

Executive

Moving Traffic Offences

Report of:

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Responsible Director:

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This report relates to a decision that is Key

Purpose of this report

This report sets out the opportunity for the Council to consider applying for powers to enforce new legislation for moving traffic contraventions to improve safety and tackle congestion. In accordance with the legislation, it is necessary to consult on the use of this legislation in specific sites in Central Bedfordshire and apply to the Secretary of State for the powers to enforce. This report also seeks delegated authority to enable officers to implement enforcement action subject to the outcome of the public consultation.

RECOMMENDATION(S)

The Executive is asked to:

1. Approve the list of initial restrictions and locations to be enforced
2. Approve a public consultation which will set out the detail of how we plan to enforce moving traffic contraventions
3. To recommend to Council to extend the Capital Budget for 2022/23 by £241,082 to cover the cost of purchasing and installing the equipment
4. Delegate powers to the Director of Place and Communities in consultation with the Executive Member for Community Services, the Director of Resources, and the Executive Member for Corporate Resources to approve:
 - a. To apply to the Secretary of State for powers to enforce moving traffic offences.
 - b. Undertake a procurement exercise in line with relevant procurement policy.
 - c. To approve any future public consultations on future schemes to enforce moving traffic contraventions by Automatic Number Plate Recognition (ANPR) cameras.

Executive Summary

1. On 27th January 2022 Parliament approved civil powers under Part 6 of the Traffic Management Act 2004 to enable local authorities to improve safety and tackle congestion by enforcing moving traffic contraventions.
2. In order to secure these powers local authorities must apply to the Secretary of State outlining how the Council meets the necessary criteria. The criteria include consultation with the Chief Constable for Bedfordshire, a public consultation on proposed sites, ensuring accurate Traffic Regulation Orders, having signs and lines in place and that other reasonable means for enforcement have been exhausted.
3. In line with the legislation and recommended by guidance Central Bedfordshire Council (CBC) intends to apply for powers across the whole of the civil parking enforcement area of Central Bedfordshire and apply those powers in a specific number of pilot locations in order to assess the approach. The deliverability of each pilot site will also need to be investigated. CBC will need to consult on the areas it intends to enforce and consider the resources it requires to implement it. Should the enforcement be effective, then further sites can be assessed for suitability.
4. Officers have undertaken an assessment of relevant sites within Central Bedfordshire that it would want to apply these powers to and are confident that those set out within this report meet the criteria for enforcement under these powers.
5. This paper sets out the rationale for CBC applying to the Secretary of State for enforcement powers and requests permission to undertake a public consultation on the sites initially proposed to enforce.

Moving Traffic Offences

6. On 27th January 2022 The Civil Enforcement of Road Traffic Contraventions (England) Regulations 2022 were laid in Parliament. These regulations approved powers under Part 6 of the Traffic Management Act 2004 to enable local authorities to improve safety and tackle congestion by enforcing moving traffic contravention such as:

- 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
- driving where and when motor vehicles are prohibited
- driving on routes that are for buses and taxis only

A full list of the moving traffic contraventions is set-out in Appendix A.

7. Moving traffic contraventions can only be enforced by the police under criminal law. The new legislation gives local authorities the opportunity to use these enforcement powers to improve safety and congestion on the highway network. Bedfordshire Police currently enforce moving traffic offences, and this will allow them to focus on other policing priorities. Each site to be enforced by CBC must help achieve at least one of the following objectives:

- improve road safety
- tackle network congestion
- increase public transport reliability
- improve air quality
- increase lifespan of highway assets.

8. Sites for the pilot scheme have been identified using the following criteria:

- We have considered the objectives of the legislation set-out in paragraph 8.
- In accordance with the requirements set-out in Appendix A. Schedule 7 to the 2004 Act lists those traffic signs below (prescribed in the Traffic Signs Regulations and General Directions 2016 as amended: 'TSRGD') as civilly enforceable as moving traffic contraventions. Regulatory traffic signs (other than those for parking and bus lanes) that are not listed below will remain enforceable only by the police.
- All moving traffic restrictions to be enforced must be underpinned by accurate Traffic Regulation Orders where applicable and indicated by lawful traffic signs and road markings.
- Officer intelligence regarding contraventions identified through customer engagement and feedback, and prioritised taking into account safety concerns
- Identified a range of different Moving Traffic Offences (MTO's) to pilot.
- Enforceable by ANPR


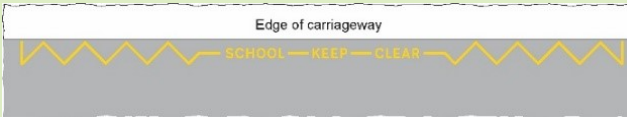
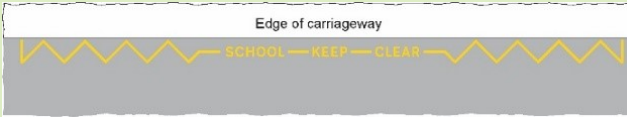

Consultation


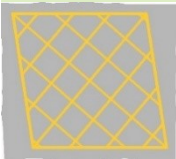
9. The legislation requires specific criteria to be met including a consultation period. The Highways service are proposing to follow guidance set by the Department for Transport (DfT) and conduct a six-week public consultation on the detail of the planned civil enforcement of the moving traffic contraventions. The consultation information pack will identify the type of restriction to be enforced and the location in question.
10. This public consultation is intended to communicate the rationale for, and benefits of, moving traffic enforcement to residents and businesses to promote compliance. The consultation will be available online and by request in paper copy in libraries in key locations. The consultation will be promoted on the Council Website, via social media and GovDelivery.
11. Subject to Executive approval a six week consultation will be undertaken.




Enforcement

12. In line with Department for Transport guidance CBC intends to apply for powers to cover the whole of the civil parking enforcement area of Central Bedfordshire.
13. Not all the moving traffic offences identified in Appendix A will be enforceable from day one. CBC is planning to consult to initially enforce moving traffic offences at nine pilot sites set out in the following section of this report. It is envisaged that CBC's role in enforcement will be rolled out to more sites.
14. The legislation requires for enforcement by ANPR cameras, and those cameras can only be used to enforce against moving traffic offences at sites where all other methods of deterrent have been tried, but further measures are still required. The number of ANPR cameras required will be determined by a site survey, at least one camera will be required for each type of moving traffic offence, and some moving traffic offences may require more than one camera to detect a vehicle entering and exiting a location. The nine sites identified below can accommodate ANPR camera(s) and meet the criteria. Any future sites will be assessed using the same rigorous assessment process. The processing of the Parking Contravention Notices (PCN) will be administered through our current system.
15. The legislation also requires that for a period of six months following implementation of moving traffic enforcement in practice, at each individual camera location, local authorities must issue warning notices for first-time moving traffic contraventions. This also applies to any new camera location in the future. The warning notice should set out the six-month period and advise that any further moving traffic contravention at the same camera location would result in the issue of a PCN.

Site Specific Details

Site	Location	Enforcing	Sign
Site 1	Barton Road and Bedford Road junction, north of Barton Le Clay	No right turn for vehicular traffic	
Reason for further enforcement action:		No right turn was introduced as a safety scheme as the site was subject to a cluster of collisions	
Site 2	Clipstone Brook Lower School, Leighton Buzzard	'School Keep Clear' yellow zig zags with sign plate	
Reason for further enforcement action:		The school crossing patrol officer operating close by has reported numerous incidences of drivers parking on the zigzags to drop off children. This is a road safety issue	
Site 3	Tithe Farm Primary School, Dunstable	'School Keep Clear' yellow zig zags with sign plate	
Reason for further enforcement action:		This is a road safety issue. We have received numerous reports of incidences of drivers parking on the zigzags to drop off children.	
Site 4	Sun Street, Biggleswade	No Entry	
Reason for further enforcement action:		Issue was flagged by residents who observed vehicles driving in contraflow rather than follow the gyratory arrangement ((Sun Street/ Rose Lane/ St Johns Street), given this represented a significant distance and time saving. The risk of head on collision is a road safety issue.	

Site 5	Leighton Buzzard High Street	Entry to and waiting in a pedestrian zone restricted	
Reason for further enforcement action:		<p>This is a road safety issue with vehicles in conflict with pedestrians who will not be expecting their presence. The town council steward the closure of the High Street to vehicles when the market is in operation on Tuesdays and Saturdays but outside of the market hours (8-4pm) traffic ignores the restriction.</p> <p>There is concern that in 'tolerating' the abuse of the restriction the council would be culpable should a pedestrian or cyclists be injured through a collision within the High Street with a vehicle that has wilfully ignored the restriction.</p>	
Site 6	Sainsbury's Gyratory, Dunstable	The yellow box junction on Church Road at the junction with White Lion Retail Park service road in Dunstable means that no vehicles are allowed to stop within the markings. This required to keep the gyratory clear and enable free-flowing traffic.	
Reason for further enforcement action:		<p>Congestion is a daily occurrence on this stretch of road. Vehicles often stop in the yellow box junction which is illegal and contributes to poor air quality at this site. If this section of the gyratory is blocked, queues cannot clear resulting in gridlock and affecting bus punctuality on this busy public transport route.</p> <p>At present enforcement of the yellow box markings is done in collaboration with</p>	

		Bedfordshire Police. When powers are granted to CBC, we will have the ability to enhance enforcement at this site using newly available technology.	
Site 7	Silsoe	Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle symbol prohibited	
Reason for further enforcement action:		Drivers of lorries exceeding the weight limit currently use this road causing congestion and a reduction in air quality. The road surface is also under stress due to the many Heavy Goods Vehicle (HGV) drivers ignoring the restriction.	
Site 8	Cranfield - Lodge Road	No left turn for vehicular traffic	
Reason for further enforcement action:		A banned left turn into Lodge Road from Thillians will help support the Parish Council to create Lodge Road as a quiet lane and reduce the amount of traffic using this. This scheme has also been raised by Members.	
Site 9	Brogborough – Bedford Road (C94)	Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle symbol prohibited	
Reason for further enforcement action:		Despite restrictions in place there are still a number of reports suggesting that Heavy Goods Vehicles (HGV's) continue to travel through the area and park overnight.	

Reason/s for decision

16. Executive is being asked to authorise the public consultation on the proposed sites for enforcement and to delegate authority to the Director of Place and Communities in consultation with the Executive Member for Community Services to:

Delegate powers to the Director of Place and Communities in consultation with the Executive Member for Community Services, the Director of Resources, and the Executive Member for Corporate Resources to approve:

- a. To recommend to Council to extend the Capital Budget for 2022/23 by £241,082 to cover the cost of purchasing and installing the equipment
- b. Allocate up to £35,725 revenue to cover the operational running costs for year 1. This to be initially allocated from existing budgets and future implications addressed in MTFP.

- c. To apply to the Secretary of State for powers to enforce moving traffic offences.
- d. Undertake a procurement exercise in line with relevant procurement policy.
- e. To approve any future public consultations on future schemes to enforce moving traffic contraventions by Automatic Number Plate Recognition (ANPR) cameras.

17. This will ensure that we are fully engaged with our residents, communicate the rationale for, and benefits of moving traffic enforcement to promote compliance with the Part 6 of the Traffic Management Act 2004.

Council priorities

18. Adopting the Moving Traffic Offences powers forms part of our place-based approach and will enable people to live their best lives as it will promote road safety, tackle congestion and facilitate active travel. We will make the best use of our resources by using the existing parking enforcement system along with the most efficient digital ANPR cameras to enforce moving traffic offences.

Legal Implications

19. The Traffic Signs Regulations and General Directions 2016

20. The Traffic Management Act 2004, Part 6, has allowed local authorities who already have Civil Enforcement powers for parking to introduce measures to enforce moving traffic restrictions. The legislation sets out the traffic restrictions which would be enforceable (under Schedule 7, Part 4 of the Act) and the authorities will be able to enforce all of these contraventions where appropriate.

21. The Council must be satisfied that it has suitable signing and linings (in line with The Traffic Signs Regulations and General Directions 2016) and relevant new signage as necessary under the legislation. Checks of relevant sites will need to be maintained and all corrective actions taken in a timely manner to ensure that enforcement can continue.

22. In addition, the Council must follow the requirements of The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 to ensure that all devices are calibrated correctly with relevant documentation to defend any challenges to enforcement.

23. Any income generated from the fines must be spent in accordance with the requirements of Section 55 of the Road Traffic Regulation Act 1984, following the restrictions already imposed as part of the Civil Enforcement practices applied.

24. The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.

Financial and Risk Implications

25. There is currently no specific budget identified to purchase the ANPR cameras to implement the scheme. Indicative costs indicate that Capital requirements for the pilot will fall within the range of £241,082 - £390,500 (including project management and PCN system installation). Up to £35,725 revenue costs to cover the operational running costs for year 1 will be met from within existing budgets. Future implications will be addressed in Medium Term Financial Plan (MTFP).
26. Please note that public space CCTV cameras are not suitable method of enforcement for moving traffic contraventions. Subject to the consultation results the resource implications for enforcement will be assessed.
27. We are applying for these powers to keep junctions clear, reduce congestion and encourage compliance through targeted enforcement at problem locations. We hope that better enforcement will help to improve public safety and build confidence in the safe operation of the highways network.
28. There is a risk that the enforcement of moving traffic contraventions for the schemes identified will not cover the initial cost of capital investment or ongoing support and maintenance charges for the service. The recovery rate is different for each location and type of offence, as a guide the average recovery to the Local Authority is estimated to be up to a maximum of 75%, reducing as compliance improves.
29. Should there be surplus after operational costs have been met, this will be used for highway improvement projects in line with strict government guidance. This funding will only be granted to projects that that help achieve one of the following objectives:
- improve road safety
 - tackle network congestion
 - increase public transport reliability
 - improve air quality
 - increase lifespan of highway assets

Capital Cost Estimate

30. The ANPR cameras will be procured through a framework for a third-party contractor to supply, install and maintain the equipment. The indicative costs below have been estimated by national providers, the exact cost for the pilot will be identified through the procurement process and are subject to a site survey confirming how many cameras are required to ensure that enforcements are legally compliant.
31. A desktop survey will be conducted at each site to identify viable connection methods, this is included in the costs below. Wireless 3G/4G connection is preferred as the lower cost option, however if this is not viable at a site location then an in-ground fibre cable would need to be provided at higher cost and would incur longer installation lead times.

32. Guide prices for both options are set-out below:

Product/Service	Unit Cost	Quantity	Total
Scenario 1 Provision of a fixed ANPR camera connected by wireless 3G/4G and installed on a column mount.	£18,398	9 sites	£165,582
Scenario 2 Provision of a fixed ANPR camera connected by fibre cable and installed on a column mount.	£35,000	9 sites	£315,000

33. Other costs that are required to bring the ANPR solution into working use are set-out below:

Product/Service (required)	Unit Cost per annum	Quantity	Total
Project Management	£50,500	1	£50,500
One-off setup costs for installing the PCN processing system	£25,000	1	£25,000

Revenue Estimate

34. Each ANPR camera will incur an annual maintenance charge to keep the camera and connection in good working order

Product/Service (required)	Unit Cost per annum	Quantity	Total per annum
Annual maintenance per camera – Year 1	£1,425	9	£12,825
Annual maintenance per camera – Year 2 onwards	£2,848	9	£25,632
4G SIM cards for ANPR camera	£600	9	£5,400

35. The back-office Parking Contravention Notice monitoring system will be administered by the CBC Parking Enforcement service.

Product/Service (required)	Unit Cost per annum	Quantity	Total per annum
0.6 FTE Processing staff – CBC Parking Enforcement Service	£17,500	1	£17,500

36. Each Parking Contravention Notice issued will incur a processing cost of £5.95. This is to check camera footage, collate the evidence pack and issue the PCN notice.

Equalities and Fairness Implications

37. As part of its decision-making process, the Council must have “due regard” to its equality duty. Under Section 149 Equality Act 2010, the Council, must have “due regard” to the need to eliminate discrimination, advance equality of opportunity between persons who share a protected characteristic and those who do not, foster good relations between persons who share a relevant protected characteristic and persons who do not share it in order to tackle prejudice and promote understanding.
38. The protected characteristics are age, gender reassignment, disability, pregnancy and maternity, race, religion or belief, marriage, civil partnership, sex and sexual orientation. The Council is required to give serious, substantive and advance consideration of what (if any) the proposals would have on the protected group and what mitigating factors can be put in place. This exercise must be carried out thoroughly and with an open mind and should not be mere box ticking. These are mandatory considerations.
39. An Equalities Impact Assessment (EqIA) will be carried out subsequent to the consultation and subject to the results of the consultation to assess the impact of the introduction of new civil powers.
40. Consultation will be undertaken to ensure that those residents who wish to comment on our proposals are able to do so.

Sustainability Implications

41. Enforcing moving traffic offences aims to improve road safety and facilitate active travel which will influence, support and enable residents and local businesses to adopt more sustainable behaviours. This links to the UN Sustainable Development Goal 9 ‘Industry, Innovation and Infrastructure’ and Goal 11 ‘Sustainable Cities and Communities’ making cities and settlements inclusive, safe, resilient and sustainable.

Conclusion and Next Steps

Activity	Anticipated Date
Approval to consult	7 th June 2022
Consultation	Summer 2022
Apply to Secretary of State for powers	Autumn 2022
Implementation	Autumn 2022

Appendices

Appendix A: Traffic Signs Subject to Moving Traffic Enforcement

Background Papers

None

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