

## Cabinet – 13 April 2011

### Enforcement of Moving Traffic Contraventions

**Portfolio:** Councillor Tom Ansell -Transport

**Service:** Neighbourhood Services

**Wards:** All

**Key decision:** No

**Forward plan:** No

#### 1. Summary of report

- 1.1 The Traffic Management Act 2004 places a statutory duty of network management on the Council. To enable the delivery of this duty, the Council has already been granted civil enforcement powers for parking contraventions. However, along with all other Councils outside London, the Council cannot currently enforce a range of moving traffic contraventions that can have negative impacts on network management. The Department for Transport is now seeking the views on whether these moving traffic contravention powers should be granted to Councils outside London.
- 1.2 The introduction of a single enforcement authority for parking and moving traffic contraventions would benefit the travelling public in understanding where responsibility for enforcement functions lies, as well as allowing the Police to concentrate more on addressing criminal matters

#### 2. Recommendations

- 2.1 That Cabinet support the principle of Council enforcement of a range of moving traffic contraventions as detailed in **Appendix A**, should the Department for Transport enact these powers through Part 6 of the Traffic Management Act 2004.
- 2.2 That Cabinet delegate authority to the Executive Director for Neighbourhood Services, in consultation with the Portfolio Holder for Transport, to agree the Council's response to the Department for Transport's consultation indicating the Council's support for the full enactment of part 6 of the Traffic Management Act 2004.

#### 3. Background information

- 3.1 The Traffic Management Act 2004 places a range of duties and powers with the Council to efficiently manage its highway network. To date, the majority of the Traffic Management Act 2004 has been enacted through a series of commencement orders; however a notable exception is the ability to enforce a range of moving traffic contraventions. Clearly this hampers the Council's ability

to directly deliver its statutory network management duty as moving traffic contravention powers currently reside with the Police.

- 3.2 Despite the excellent working relationship with the Police, this split in responsibility is proving difficult to explain to local residents and, on numerous occasions, has resulted in a delay in addressing resident and business concerns relating to the operation of the highway network.
- 3.3 The Department for Transport has recognised the potential inefficiencies resulting from the split responsibility and is currently canvassing all Councils outside London as to their support for, and benefits that would be derived from, the full enactment of part 6 of the Traffic Management Act 2004. Should the full enactment take place, the Council would be in a position to directly enforce a range of moving traffic contraventions without the need for input from the Police.
- 3.4 Typical moving traffic contraventions that often generate complaints from local residents and require enforcement action include:
- Vehicles driving in pedestrian zone
  - Vehicles turning against banned turns
  - Vehicles unnecessarily blocking a yellow box junction
  - Weight limit restrictions
  - One way traffic

Clearly, the Council cannot take enforcement action at present, despite its civil enforcement officers routinely witnessing such contraventions. Lower Bridge Street is a typical example of this where general vehicles are routinely witnessed using this section of the public highway as a short cut despite the clearly signed driving restrictions. As a further example of the current inefficiencies, a vehicle driving in a pedestrian zone can only be enforced against by the Police, but should the same vehicle stop and park in the same pedestrian zone, the enforcement responsibility falls with the Council and not the Police. This situation occurs on a daily basis in Willenhall and Walsall Town Centre market areas.

- 3.5 The range of demands placed on the Police for their service clearly requires them to prioritise requests, often resulting in the enforcement of moving traffic contraventions being given a slightly lower priority. This impacts on the delivery of the localism agenda as addressing local concerns often requires coordination of resources between the Police and Council. The ability to directly address resident and business concerns without the need to coordinate activities with the Police would support this agenda whilst also supporting the drive for greater efficiencies of service delivery.
- 3.6 Should moving traffic contravention powers be granted to the Council, they could be enforced through a mixture of civil enforcement officers and video image detection technology. Currently it's unclear if powers would be granted to civil enforcement officers to stop vehicles to undertake enforcement. Clearly this would be sensible for certain contraventions such as driving in a pedestrian zone, but not suitable for enforcing unnecessary stopping in a yellow box junction.
- 3.7 **Appendix A** details the full range of moving traffic contraventions contained within the Traffic Management Act 2004 that could be enabled for civil enforcement by the Council. Whilst it is not envisaged that all of the new powers

would be routinely used, they are all felt beneficial in assisting the Council to fully discharge its statutory network management duty whilst also addressing local concerns more efficiently.

#### **4. Resource considerations**

- 4.1 **Financial:** A detailed review of the financial implications can only be completed once the additional powers have been enacted through primary legislation and any associated statutory guidance. However, it is anticipated that the additional cost of enforcing moving traffic contraventions would be offset by the income generated from penalty charge notices, as is currently the case with the enforcement of parking contraventions.
- 4.2 **Legal:** Before the Council could enforce moving traffic contraventions it would need to comply with the requirements of primary legislation and any associated statutory guidance that may be issued. Further requirements may include a local publicity stipulation in addition to requirements to produce local policies governing enforcement protocols and to join a national adjudication service overseeing moving traffic contraventions.
- 4.3 **Staffing:** A detailed review of staffing implications would be necessary should the additional powers be enacted. However, it's envisaged that minimal changes to civil enforcement officer and back office staffing levels would be required.

#### **5. Citizen impact**

The introduction of a single enforcement authority for parking and moving traffic contraventions will assist citizens in understanding the responsibility for enforcement functions whilst also allowing the Police to concentrate more on addressing criminal matters.

#### **6. Community safety**

The ability to address instances of moving traffic contraventions through consistent enforcement action will result in a reduction in the number of contraventions that take place. This will have positive benefits for community safety.

#### **7. Environmental impact**

Nothing directly associated with this report.

#### **8. Performance and risk management issues**

- 8.1 **Risk:** Whilst it is envisaged the operational costs incurred as a result of undertaking enforcement of moving traffic contraventions would be covered by additional income raised through penalty charges, there is no absolute guarantee. However by not having the full range of powers available to the

Council to deliver its statutory network management duty, the risk of a poor assessment of the Council's compliance with the duty increases.

8.2 **Performance management:** The ability to directly influence driver behaviour through enforcement of parking and moving traffic contraventions will assist the operational performance of the highway network.

## 9. Equality implications

Nothing directly associated with this report

## 10. Consultation

10.1 This report is as a direct result of the national consultation being undertaken by the Department for Transport to gauge the views of all Councils outside London. Information gained as part of this exercise will help shape the Department's view of the need to introduce civil enforcement of moving traffic contraventions.

10.2 The Chair of the Neighbourhoods Scrutiny and Performance Panel has been advised that this report is being presented to Cabinet.

## Background papers

None

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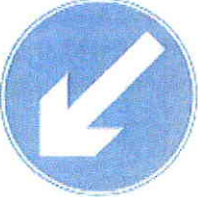


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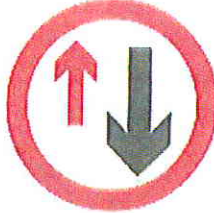
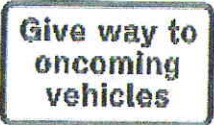




Councillor Tom Ansell  
Portfolio Holder








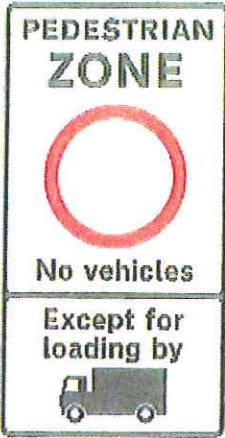



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Traffic signs subject to civil enforcement under the provisions of Part 4 of Schedule 7 (Moving Traffic Contraventions) to the Traffic Management Act 2004








Description of traffic sign	Diagram number*	Sign
<p>Vehicular traffic must proceed in the direction indicated by the arrow</p> <p><b>Vehicles to turn left, turn right or proceed ahead as indicated by arrow</b></p>	606	
<p>Vehicular traffic must turn ahead in the direction indicated by the arrow</p> <p><b>Vehicles to turn left or turn right ahead as indicated by arrow</b></p>	609	
<p>Vehicular traffic must comply with the requirements prescribed in regulation 15</p> <p><b>Vehicles to keep left or right as indicated by arrow</b></p>	610	
<p>No right turn for vehicular traffic</p>	612	
<p>No left turn for vehicular traffic</p>	613	


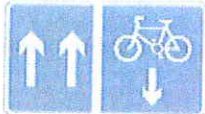

<p>No U turns for vehicular traffic</p>	<p>614</p>	
<p>Priority must be given to vehicles from the opposite direction</p>	<p>615, 615.1</p>	 
<p>No entry for vehicular traffic (when the restriction or prohibition is one that may be indicated by another traffic sign subject to civil enforcement)</p> <p><b>Example: No entry except buses</b></p>	<p>616</p>	 
<p>All vehicles prohibited except non-mechanically propelled vehicles being pushed by pedestrians</p>	<p>617</p>	 

<p>Motor vehicles except solo motor cycles prohibited</p>	<p>619.1</p>	
<p>Solo motor cycles prohibited</p>	<p>619.2</p>	
<p>Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle symbol prohibited</p>	<p>622.1A</p>	
<p>One way traffic</p>	<p>652</p>	
<p>Buses prohibited</p>	<p>952</p>	

<p>Entry to pedestrian zone restricted (Alternative types)</p>	<p>618.2</p>	
<p>Entry to and waiting in pedestrian zone restricted (Alternative types)</p>	<p>618.3</p>	
<p>Entry to and waiting in pedestrian zone restricted (Variable message sign)</p>	<p>618.3A</p>	
<p>Motor vehicles prohibited</p>	<p>619</p>	



Route for use by buses and pedal cycles only	953	 
Route for use by tramcars only	953.1	 
Route for use by pedal cycles only	955	
Route for use by pedal cycles and pedestrians only	956	
Route comprising two ways, for use by pedal cycles only and by pedestrians only	957	

With-flow cycle lane	959.1	
Contra-flow cycle lane	960.1	
Box junction markings Regulation 29(2) and Part II of Schedule 19 of the Traffic Signs Regulations and General Directions 2002 – <b>See Rule 150          of Highway Code</b>	1043,1044	

\*Diagram number for the traffic sign in the Traffic Signs Regulations and General Directions 2002 (SI 2002/3113)