

Report sponsor: Strategic Director for
Communities and Place
Report author: Head of Traffic & Transport

Decriminalisation of Moving Traffic Offences

Purpose

- 1.1 The Department of Transport confirmed in June this year that Local Authorities could apply for powers to enforce moving traffic offences such as banned turns, box junctions and driving in formal cycle lanes. Local authorities are required to signal their intention to request powers and then follow a Government process to obtain the authorisation to implement schemes. This report seeks approval to apply for the powers.
- 1.2 This amendment to regulations transfers enforcement responsibilities to local authorities for contraventions which are currently enforced by the Police. It is intended to allow local authorities to fulfil the statutory responsibilities and improve the management and safety of the road network, particularly in areas where enforcement by officers would be impractical. It is proposed to install civil enforcement cameras for the purpose of enforcing moving traffic contraventions in response to activation of regulations (under Part 6 the Traffic Management Act 2004) in specific sites initially.

Recommendations

- 2.1 To approve an application to acquire the powers for the enforcement of moving traffic offences under Part 6 of the Traffic Management Act 2004 via:
 1. an informal email notifying Government of our future intention to submit a formal letter by 15 September 2021
 2. a formal letter from the Chief Executive to request powers by the date above
- 2.2 To approve the initial implementation method and locations.
- 2.3 To delegate authority on service standards and operational deployment of enforcement measures to the Director of Planning, Transport and Engineering, in consultation with the Cabinet Member for Regeneration, Decarbonisation, Strategic Planning and Transport.

Reasons

- 3.1 Moving Traffic Contraventions are proposed to be decriminalised in November 2021. At present the enforcement of restrictions is only carried out by the Police, but transfer of the powers has been successfully implemented in London and Mayoral Combined Authorities. Government have signalled that Local authorities across the country will now be able to acquire these powers to enforce restrictions including, banned turns, one-way streets, some access restrictions, yellow box marking on junctions.
- 3.2 Within our local communities, the contravention of restrictions is regularly raised with local Councillors and at Neighbourhood Boards as road safety concerns. At present

the only solutions are further physical measures to make prohibited movements more difficult, or short-term enforcement activity, which has resource and prioritisation implications for a busy police service.

- 3.3 Any deployment of powers will need to have robust justification. There are existing locations where there are concerns over contraventions and safety which could be considered. The evidence must be sufficient to justify camera enforcement as a proportionate approach. There will also need to be operational criteria for when cameras may be removed if driver behaviour is improved.

Supporting information

- 4.1 Derby has a national reputation, evidenced by a series of awards, for the implementation of innovation in enforcement and for the sensitive and proportionate operation of camera and back-office systems. This includes the human review of all contraventions, rather than relying on an automated capture and charging system.
- 4.2 The enforcement of moving traffic offences by local authorities is already in place in some areas of the country, where it largely relies on camera enforcement, as this is safe, effective and resource efficient. The guidance suggests that local authorities are expected to make 'full use' of the new powers where they are appropriate and proportionate, as part of providing a safe and functioning highway network. The proposal in Derby, therefore, is to continue with the principles of previous camera enforcement implementation.
- 4.3 There is scope for local decision making and camera enforcement of moving traffic offences is not intended to be a revenue raising exercise. The extension of powers is controlled by local authorities having to meet standards in terms of the reasons for implementation at locations and to set out the case in terms of proportionality. Most restrictions are in place for compelling safety reasons, however, it is not expected that all existing or future restrictions will have cameras installed.
- 4.4 If the powers are to be acquired, it will be important to closely manage their introduction. It is therefore proposed that they are initially deployed at a small number of sites where existing data supports this. This will allow us to gather information and intelligence that can inform how we want to proceed:

Friar Gate, Ford Street, Stafford Street (signalled junction) – where contravention of the turning restrictions leads to conflict with pedestrians

Darley Park Drive – this is a long-standing issue and has been the site of minor accidents and complaints about the risk to children at school times.

South Avenue, Junction of Valley Road – there is evidence that vehicles exit the ring road and contravene the no-entry restriction with the associated risk to road users.

Sitwell Street/ Chapel Street, Spondon – contravention of the no-entry restriction is a persistent issue with the risk of vehicles meeting head on with limited forward visibility.

- 4.5 The initial proposal is to relocate existing camera apparatus to monitor the sites for a month and make further assessments of the scale of actual contravention. Based on this, an operational decision will be made on whether to implement enforcement. If the decision is made to go ahead, then publicity, and increased on-street signing will be put in place, and further monitoring will be carried out to see if the enforcement is effective. It important to note that the implementation of enforcement will follow the usual process of education through warning notices (with no penalty charge) for a period before actual charges are issued.
- 4.6 This is a new area of enforcement activity and it will be important to learn from these initial small number of sites. Based on the experience from these first locations, detailed operational criteria and guidance will be developed in line with national policy.

Public/stakeholder engagement

- 5.1 Stakeholder engagement requirements set out in the changes to regulations will be incorporated in the application for powers and/or the implementation. Additional engagement with key stakeholders will be undertaken as appropriate in the further development of locations and criteria for implementation.

Council teams involved will continue to work closely with the police and other appropriate agencies to ensure a collaborative approach.

Other options

- 6.1 Acquiring the powers to enforce moving traffic offences will enhance local decision making and allow the Council and partners to more effectively use collective resources to tackle persistent areas of contravention. These powers are being extended to all Local Authorities and their acquisition will be in line with the appropriate neighbouring Councils.

Financial and value for money issues

- 7.1 The regulations and government consultation are currently unclear as to any constraints on any income. The general rules on Penalty Charge Notice income for traffic related contraventions is that it should be used to cover costs and any surplus is utilised for the improvement of highways and for the future benefit of road users.

The costs of the initial implementation can be met within existing resources. The initial information from the test locations will support a review of future costs, including management and back-office systems, as we develop further understanding of the level of justification and service demand.

Legal implications

- 8.1 The Road Traffic Regulation Act 1984 (Section 122) requires local authorities to secure the expeditious, convenient, and safe movement of vehicular and other traffic, in addition the Traffic Management Act 2004 (Section 16) sets out the Network Management Duty for local authorities. Legal Services will advise on the specific elements of moving traffic offences but there is a high level of commonality with existing camera enforcement project already in place in the city.

Climate implications

- 9.1 of the aim of a safe and well-functioning highway network is to reduce network failure and contribute to lower emissions. In some locations the enforcement of moving traffic offences will ensure safer environments for active travel and the reduction of carbon relating to shorter and more localised trips.

Other significant implications

- 10.1 The new powers when received will be added to the Scheme of Delegation as appropriate.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Olu Idowu, Head of Legal Services	18 August 2021
Finance	Amanda Fletcher, Head of Finance Communities and Place	23 August 2021
Service Director(s):	Verna Bayliss, Director of Planning, Transport and Engineering	24 August 2021
Report sponsor	Rachel North, Strategic Director for Communities and Place	24 August 2021
Other(s)		

Background papers:	N/A
List of appendices:	N/A