



Title of meeting: Cabinet Member for Transport Decision Meeting

Date of meeting: 10th August 2023

Subject: Moving Traffic Enforcement

Report by: Kerri Farnsworth, Interim Director of Regeneration

Report Author: Kevin McKee, Parking Manager

Wards affected: All wards

Key decision: No

Full Council decision: No

1. Purpose of report

- 1.1. To provide an update on the application for moving traffic enforcement powers under the Traffic Management Act.
- 1.2. Implementation of these powers will additionally assist the Council with its ongoing commitment to improve air quality through reduced traffic congestion and encourage behavioural shift around travel choices by keeping junctions clear and assisting bus reliability.
- 1.3. To seek approval for the delegation of the powers to the Director of Regeneration, in consultation with the Cabinet Member for Transport to submit the application for moving traffic enforcement powers.

2. Recommendations

It is recommended that the Cabinet Member for Transport:

- 2.1 Provides delegated authority to the Director of Regeneration, in consultation with the Cabinet Member for Transport, to authorise the submission to the Department for Transport for powers to undertake local enforcement of moving traffic contraventions in the City of Portsmouth. This includes all required activities to achieve this.;**
- 2.2 Notes that a report will be brought back to the Cabinet Member for Transport after the confirmation of the delegation of enforcement powers from the Department for Transport to request their use within Portsmouth.**

3. Background

- 3.1. Under amendments made to the Traffic Management Act in June 2022, the government gave local authorities outside London the powers to apply to undertake enforcement of Moving Traffic Contraventions using ANPR cameras.
- 3.2. The local authority has statutory network management duties to manage its road network to ensure traffic can move freely through its road network.
- 3.3. Parliament approved the new set of Road Traffic Regulations which give effect to the Part 6 powers for moving traffic contraventions and allow authorities outside London to apply for powers to enforce these restrictions. The Department for Transport (DfT) has invited applications to be submitted no later than 25th October 2023. While applications will be accepted after this time the DfT have indicated that consideration may take longer.
- 3.4. These restrictions were previously only enforceable by the police and include entering box junctions when the exit is not clear, turning left or right when instructed not to i.e., banned turns, driving through a 'No Entry' sign and driving where and when motor vehicles are prohibited. A full list of the new powers are contained in in Schedule 7 Part 4 of the Traffic Management Act 2004.
- 3.5. These powers are in addition to those already available to the authority for bus lane and school keep clear enforcement, whilst these were bought in line with the Traffic Management Act 2004 from the Transport Act 2000, there is no other changes to these.
- 3.6. Moving traffic enforcement would permit the authority to undertake enforcement for a range of contraventions of restrictions, which include box junctions, banned turns, school streets and no entries using Automatic Number Plate Recognition cameras. Many of these being safety critical for the public and where contravened could be at considerable risk.
- 3.7. The process for issuing a Penalty Charge Notice under the new powers would be similar to that currently used for bus lanes and school keep clear markings. Offending vehicles would be detected by an Automatic Number Plate Recognition (ANPR) camera. The images would be reviewed by a trained Civil Enforcement Officers and where appropriate the details of the owner of the vehicle requested from the DVLA. A penalty charge notice would then be sent by post.
- 3.8. Penalty Chare Notices would be of value £70, but payable at a 50% discount if payment is made within the first 14 days of receipt of the PCN. Owners of vehicles receiving a PCN who wanted to challenge it could do so by first making a representation to the council and if that was not accept by appealing to an independent adjudicator. When any new areas are enforced using these powers the DfT will require the council to issue warning notices to first time offenders for the first six months. Any money received from penalty charges will first go to



cover the cost of providing the service and any surplus would be ringfenced in the same way current enforcement and on street parking income is.

- 3.9. Applications for these powers require a number of activities to be undertaken, including the identification and review of appropriate sites including any required traffic regulation orders, consultation on these sites with review of any comments and the completion of a supporting report to be supplied with the application to the Department for Transport (DfT).

4. Application Process

- 4.1 The DfT published clear guidance around the application process and steps required of the Local Highways Authority within this which are as follows:
- a) Consult the appropriate Chief Officer of Police.
 - b) Carry 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.
 - c) Consider all objections raised and take such steps the council considers reasonable to resolve any disputes.
 - d) Carry out effective public communication and engagement as the council considers appropriate.
 - e) Ensure all moving traffic restrictions to be enforced will be underpinned by accurate TROs, where applicable, and indicated by lawful traffic signs and road markings.
 - f) Ensure all the relevant equipment has been certified by the Vehicle Certification Agency (VCA) specifically for moving traffic contraventions.
 - g) As part of ensuring that TROs and traffic signs are accurate and lawful, applicant local authorities are encouraged to take the opportunity to identify and remove any signs that are either obsolete or no longer necessary, whether or not relating directly to the restriction being enforced.

- 4.2 All the above will be completed as part of the application process to ensure that the Local Highways Authority is able to submit its application to meet the 25th October 2023 deadline.

5. Site selection

- 5.1. With the initial application we will be looking for a limited number of sites as part of our first phase, with additional sites considered moving forwards. Initial sites were identified in co-ordination with our Network Management Team and have included some engagement with relevant internal parties and bus service providers.

- 5.2. With the sites identified, they have been assessed based on criteria around each site, with the criteria linking to the following areas:
- Safety critical
 - Public transport efficiency
 - Bus Strategic Improvement Plan site
 - Transport Network efficiency
- 5.3. The top sites identified through this process are as follows-
- St George's Road/Park Road/Gunwharf Access - Banned Turns & Box junction
 - Park Road/Anglesea Road - Banned Turns & Box junction
 - Milton Road/Velder Avenue- Banned turns and box junction
 - Anglesea Road/Bishop Crispian Way- Box junction and banned turn
 - Rudmore Roundabout/M275 slip- Box junction.
- 5.4 As part of the process there are key requirements to be undertaken for each site including-
- A survey of the existing road layout particularly road signs and markings to determine if they are visible or potentially confusing to motorists. This should also determine whether the restriction can be readily adhered to.
 - A determination of compliance levels observed or recorded at the location. This could come from several sources including accident data, police records or surveys. It would not be necessary or cost effective to install a potentially expensive camera in a location if compliance levels were already generally good.
 - A minimum six-week public consultation about the placement and use of each proposed enforcement camera will also be required in advance. This could also pick up feedback and observations from the public/highway users about traffic behaviour at the location and might indicate alternative solutions would be preferable.

6. Next steps

- 6.1 For phase 1, subject to the Cabinet Member for Transport's approval, Portsmouth City Council propose to launch the formal public consultation for each site in August 2023 for a 6-week period.
- 6.2 Further site surveys and review, to look at compliance of the site and monitor contravention levels. This review will ensure legal compliance of the site to ensure it meets Traffic Signs Regulations and General Directions (TSRGD) and Traffic Regulation Order (TRO) requirements.
- 6.3 Following above steps the Council will complete an application to the DfT in October 2023. This will include a detailed report of the site surveys and consultation undertaken.

- 6.4 For any future phase sites, a further application to the DfT is not required, though the actions listed previously including consultation on sites are required to be undertaken. These sites would be bought back before the Cabinet for consideration.

7. Reasons for recommendations

- 7.1 The government in the explanatory notes accompanying the law changes have said the Moving Traffic Enforcement powers are to support: "improve air quality through reduced traffic congestion and to encourage behavioural shift towards sustainable transport choices".
- 7.2 The powers will also provide the council with greater influence in controlling traffic flow and safety to meet its obligation under section 122 of the Road Traffic Regulation Act 1984, which is to: "secure the expeditious, convenient and safe movement of vehicular and other traffic".

8. Integrated impact assessment

- 8.1. The attached assessment is based on the general benefits of using the powers we are applying form, a separate assessment will be undertaken for each location.

9. Legal implications

- 9.1. Section 73 and Schedule 7 of Traffic Management Act 2004 sets out the contraventions that are subject to civil enforcement. This includes parking, enforcement of bus lanes and moving traffic contraventions. A moving traffic contravention is essentially an offence of failing to comply with a traffic sign or failing to comply with a traffic regulation order.
- 9.2. Civic Enforcement of parking and bus lane contravention currently applies in Portsmouth.
- 9.3. Local authorities wishing to undertake civil enforcement of moving traffic contraventions need to apply for an order designating the local authority the enforcement authority for their area.
- 9.4. The Department for Transport may, on an application under paragraph 10 of Schedule 8 of the 2004 Act make an order designating the whole or part of a local authority's area as civil enforcement area for moving traffic contraventions. The area to be designated must be co-extensive or within an area already designated as a civil enforcement area for parking contraventions.



- 9.5. The local authority must develop civil enforcement policies, if it has not already done so, that are consistent with and contribute to its overall transport policy. Such policies must be monitored to judge impact on road safety and traffic contraventions.
- 9.6. A review of all applicable traffic regulation orders, traffic signs and road markings in the civil enforcement are consistent and comply with relevant regulations.

10. Director of Finance's comments

- 10.1 The costs for officers to carry out the application processes will be met from the On Street Parking budget.
- 10.2 If the delegation of traffic enforcement powers is approved, a report will be brought back to the Cabinet for Transport. Any subsequent recommendations will be subject to a full financial appraisal.



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Signed by:

Appendices:

- Appendix A - map of proposed sites
- Appendix B - Integrated Impact Assessment

Background list of documents:

The recommendation(s) set out above were approved/ approved as amended/ deferred/
rejected by on

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Signed by: