

BRIEFING PAPER

SUBJECT: APPLICATION FOR THE DESIGNATION OF CIVIL ENFORCEMENT AREA FOR MOVING VIOLATIONS

DATE: 12 JANUARY 2023

RECIPIENT: OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

THIS IS NOT A DECISION PAPER

SUMMARY:

1. The Department for Transport (DfT) have advised the Council that they may make an application for the designation of civil enforcement area for moving violations. A successful application would allow the Council to enforce signage restrictions which are normally enforced by Hampshire Constabulary.
2. As part of the application process, a public consultation has been carried out on proposals to enforce restrictions such as School Streets, pedestrian zones and two specific sites of restrictions at St Marys Fire Station and at Test Lane. The consultation indicated support for the enforcement.
3. A report to 17 January 2023 Cabinet is recommending that the Council submit an application for the designation of civil enforcement area for moving violations and to delegate to the Head of Service - Transport and Planning approval to consult on future sites.

BACKGROUND and BRIEFING DETAILS:

4. The Department for Transport (DfT) have advised authorities that they will be able to apply for civil enforcement of moving traffic contraventions. Previously, this enforcement ability has only been available to authorities within London and the Police. The application will be made to the Secretary of State.
5. The DfT have advised the traffic signs that will be available to be enforceable as moving traffic contraventions. These contraventions include turning restrictions, vehicles must proceed in the direction indicated by the arrow, no entry, prohibitions of vehicles / pedestrian zones, weight limits, areas where a vehicle must not stop and yellow box junction markings. A full list of the traffic signs is in Annex 1.
6. As part of the application process to the DfT, the Council must demonstrate the following:
 - (a) Consulted the appropriate Chief Officer of Police;
 - (b) Carried out a minimum six week public consultation on the locations and types of moving traffic restrictions;
 - (c) Considered all objections raised and has taken such steps the Council considers reasonable to resolve any disputes;
 - (d) Carried out effective public communication and engagement;

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- (e) Ensure all moving traffic restrictions to be enforced will be underpinned by accurate Traffic Regulation Orders; and
- (f) Ensure all equipment has been certified by the Vehicle Certification Agency.
7. Other authorities which have successfully applied for the enforcement are Oxfordshire County Council, Bath and North East Somerset Council, Buckinghamshire Council, Derby City Council, Hampshire County Council, Reading Borough Council, Borough of Luton, Surrey County Council, Kent County Council, Norfolk County Council, Durham County Council and Bedford Borough Council. Of these, Derby City Council and Durham Council have commenced enforcing contraventions.
 8. Consultation has been carried out with Hampshire Police Road Policing Unit, who respond on behalf of the Chief Officer of Police. The Hampshire Police Road Policing Unit have indicated that they have no objections to the proposals.
 9. A public online survey ran from 4 October 2022 to 15 November 2022 to obtain resident feedback on the proposals to carry out civil enforcement via the use of Automatic Number Plate Recognition (ANPR) cameras. The survey listed the restrictions as (with a full list of sites can be found in Annex 2):
 - School streets / Pedestrian Zones across the City (with locations listed that include existing permanent sites, sites that are conducting trials and potential sites in the future);
 - Pedestrian zones in the City Centre;
 - Areas where vehicles must not stop at St Marys Fire Station; and
 - A no left turn / no right turn restriction at Test Lane.
 10. A total of 1,022 responses were received during the survey period. 68% of respondents agreed that the use of ANPR cameras to enforce school streets will help create a safer environment for children and their families, with 25% disagreeing (remainder were neutral). 57% of respondents agreed that the use of ANPR cameras to enforce moving traffic contraventions will contribute to a safer and more efficient highway network, with 22% disagreeing (remainder were neutral).
 11. The main objections to the use of ANPR enforcement related to the concept of school streets rather than the enforcement. Specific concerns were about the ability for residents and blue badge holders to access their property or destinations. All school streets will have a permit holders exemption to the Traffic Regulation Order (TRO), and a policy is being established on how local residents are able to apply for the exemption (likely to be similar to a Residents Parking Zone exemption). Other concerns about the ANPR cameras are the level of existing signage, and sites will have the appropriate signage installed, surrounding vegetation cleared and will include a camera enforcement logo.
 12. Objections have been received in relation to the use of ANPR camera technology as a revenue raising instrument. Revenue raised from the enforcement of moving violations will be used to fund the maintenance and operation of the system and any additional revenue collected would be used for transport related schemes.

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13. The DfT have advised that following a successful submission, subject to the approval of Parliament, the Designation Order will be in June 2023 and will come into effect July 2023, at which point the enforcement can take place.

RESOURCE/POLICY/FINANCIAL/LEGAL IMPLICATIONS:

14. There is no cost to the Council to make the application for the designation of civil enforcement for moving violations. As and when individual schemes are installed with ANPR camera enforcement, it is proposed that the equipment purchase and installation costs will be funded by the annual Integrated Transport Block Grant within the existing capital programme. This is estimated to be £30k per site for the installation. To reduce the capital amount, a staggered launch of sites will be considered, should the Council decide to proceed, rather than all sites at once.
15. The revenue generated from the enforcement of moving violations would be utilised for the ongoing maintenance and operation of the scheme. This is an established process that has been in use for the Bus Lane camera enforcement that has been in operation for some time, where the income generated is higher than the maintenance and operation. Ongoing maintenance & admin costs per site is in the order of £15k per annum per site, with the costs reducing as more sites are added into the maintenance contract. To reduce the ongoing revenue amount, a staggered launch of sites will be considered rather than all sites at once.
16. Staff Resources – fixed penalty notices are administered by Business Support within the Council. The current staffing levels would not be sufficient to expand to cover operations of enforcement of moving violations. Additional resources of a permanent 1 FTE post plus 1 FTE 6 months temporary post to cover the period from implementation enforcement would be required. This would be budgeted at £45,869 in the first year and would be self-financed through fine revenue as per the Bus Lane camera enforcement operation. This cost is included in the £15k per site maintenance cost estimate.
17. If the Council's application is successful to obtain the designation of civil enforcement area for moving violations an Order will be issued giving the Council the relevant statutory powers to undertake the activity described in this report.

OPTIONS and TIMESCALES:

18. Not applying for the designation – Council is not required to apply for the civil enforcement powers, and instead rely on Hampshire Constabulary to carry out enforcement. Previous requests to Hampshire Constabulary to carry out enforcement of moving violations has been subject to available resources within Hampshire Constabulary and has not had high priority. Applying for the designation aligns with the goals in the Council's Local Transport Plan and Bus Services Improvement Plan.
19. Applying for the designation with more sites / moving violations – it has been considered that the best approach is to have an initial roll out of sites targeting School Streets / Pedestrian Zones as a trial, and consideration for enforcement of further sites to be done after an evaluation of the proposed scheme.

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20. The application would be submitted if approved by Cabinet. The DfT have indicated that legislation changes will be carried out in June 2023 and will come into effect in July 2023. The first site for installation could be done for August 2023.

RISK MANAGEMENT IMPLICATIONS

21. There is a risk that the Council's application for designation of civil enforcement for moving violations is not accepted. This would result in the Council not being able to carry out enforcement, and will remain reliant on Hampshire Constabulary to carry out the enforcement on moving violations.

22. There is a risk that the Council does not have the finance to carry out the installations required to provide ANPR camera enforcement if future funding priorities change. A successful application does not require the Council to implement the enforcement immediately, and it would allow time for sufficient capital to be established to carry out the installations.

23. There is a risk that the scheme does not generate sufficient revenue to cover costs, for example if the scheme results in 100% compliance of traffic at the sites. If this scenario was to eventuate, ANPR cameras would be removed and there would be no ongoing future maintenance and operation liability to be funded.

Appendices/Supporting Information:

Annex 1 – List of possible signs suitable for enforcement of moving violations

Annex 2 – List of sites for consultation

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