

DECISION-MAKER:	CABINET
SUBJECT:	APPLICATION FOR THE DESIGNATION OF CIVIL ENFORCEMENT AREA FOR MOVING VIOLATIONS
DATE OF DECISION:	17 JANUARY 2023
REPORT OF:	COUNCILLOR KEOGH CABINET MEMBER FOR TRANSPORT & DISTRICT REGENERATION

<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY	
Not applicable	
BRIEF SUMMARY	
Details of the Council's application for the designation of civil enforcement area for moving violations to the Department for Transport following consultation on the proposals.	
RECOMMENDATIONS:	
	(i) That the Council submit an application for the designation of civil enforcement area for moving violations
	(ii) To delegate to the Head of Service Transport and Planning approval to consult on and implement future sites following consultation with the Executive Director – Finance and Commercialism and the Cabinet Member for Transport and District Regeneration.
REASONS FOR REPORT RECOMMENDATIONS	
1.	The introduction of enforcement of moving violations complies with themes in Southampton's Local Transport Plan Connected Southampton 2040 including An Innovative City that takes advantage of innovative technologies, and A Safe City that reduces the number of people killed or injured on the transport system towards zero. The enforcement also complies with the ambition in the Bus Service Improvement Plan (BSIP) to keep bus routes clear to improve bus journey times and reliability.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
2.	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.
3.	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.
DETAIL (Including consultation carried out)	
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 Appendix 1.
6.	As part of the application process to the DfT, the Council must demonstrate <ul style="list-style-type: none"> (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; (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.	As part of the application process, it has been noted that Chief Executives (or other appropriate senior officers) will be required to do the above steps for any camera locations in the future without the need to seek further approval to the Secretary of State for additional locations in cases where the whole area has already been so designated. This would allow the Council to select an initial set of sites as a trial, and following successful monitoring and evaluation, select additional sites for enforcement without the need to reapply to the DfT.
8.	An initial round of applications (Tranche 1) for the civil enforcement has been made by local authorities in 2022. Authorities that now have the civil enforcement powers are Oxfordshire County Council, Bath and North East Somerset, 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.
9.	Consultation has been carried out with Hampshire Police Road Policing Unit, who responds on behalf of the Chief Officer of Police. The Hampshire Police

	Road Policing Unit have indicated that they have no objections to the proposals.
10.	<p>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</p> <ul style="list-style-type: none"> • 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. <p>A full list of sites can be found in Appendix 2. The online survey contained details as to why Council is considering applying for the powers for civil enforcement.</p>
11.	A total of 1,022 responses were received during the survey period, with 92% of submissions indicating that they reside in Southampton. 28 of the submissions were from a business which mainly were a response from a school / college.
12.	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).
13.	School Streets – The main objections to the use of ANPR enforcement of school streets related to the concept of school streets rather than the enforcement. It should be noted that at proposed sites or sites under an Experimental Traffic Regulation Order, further consultation will be carried out on the school street proposal before implementation which will address many of the concerns raised.
14.	Specific concerns raised in relation to ANPR camera enforcement for school streets are 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.
15.	Highway Network – The main objections to the use of ANPR camera enforcement of the Highway Network related to the existing restrictions such as Pedestrian Zones and areas where no vehicle must not stop, and not related to the enforcement. These are existing TROs in place to ensure the highway is safe and free from congestion and will not be altered as part of this enforcement.
16.	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.
17.	SCC's Highway delivery partner Balfour Beatty Living Places have examined the associated TROs and signage for each of the proposed sites and can confirm that the orders are accurate and will be suitable for ANPR camera enforcement. The equipment proposed for camera enforcement will be certified as appropriate for use and is currently deployed on the Bus Lane enforcement cameras.
18.	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 IMPLICATIONS	
<u>Capital/Revenue</u>	
19.	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.
20.	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.
21.	This report is not proposing any additional costs be incurred as yet. Should the Head of Service Transport and Planning wish to proceed in future, they will consult with the Executive Director – Finance and Commercialism on the budget position at the time and any alternative uses of the Integrated Transport Block Grant.
<u>Property/Other</u>	
22.	Property – all equipment is located within the public highway and is subject to the Highways Services Partnership agreement with Balfour Beatty Living Places
23.	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.
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LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

24.	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.
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Other Legal Implications:

25.	Traffic Regulation Orders will be needed for future sites that will have restrictions that would be suitable for ANPR enforcement. An EISA will be carried out in relation to each proposed site and appropriate consideration given to the matters identified in those EISA's to help design the scheme at each location.
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RISK MANAGEMENT IMPLICATIONS

26.	There is a risk that Council's application for designation of civil enforcement for moving violations is not accepted. This would result in Council not being able to carry out enforcement, and will remain reliant on Hampshire Constabulary to carry out the enforcement on moving violations
27.	There is a risk that 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
28.	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.

POLICY FRAMEWORK IMPLICATIONS

29.	The scheme complies with the goals in the Council's Local Transport Plan Connected Southampton 2040 and in the ambitions contained in the BSIP.
30.	A Data Protection Impact Assessment (DPIA) will need to be carried out before any camera ANPR is implemented. Similar DPIAs have been completed for the Bus Lane Camera enforcement and for Camera Enforcement Car.

KEY DECISION?	Yes
WARDS/COMMUNITIES AFFECTED:	ALL
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	List of possible signs suitable for enforcement of moving violations

2.	List of sites for consultation
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Documents In Members' Rooms

1.	None
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Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
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Data Protection Impact Assessment

Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
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Other Background Documents

Other Background documents available for inspection at: Not Applicable

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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