



| Environment Scrutiny Committee | |
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| Report Title: | Moving Traffic Enforcement |
| Meeting Date: | 11 January 2023 |
| Chair: | Cllr Vernon Smith |
| Presenting Officer: | Philip Williams – Assistant Director Traffic & Transport |
| Purpose of Report: | To consider and comment on the enforcement of Moving Traffic Contraventions within Gloucestershire and the proposed next steps. |
| Planned Dates | November 2022 – Application to the DfT submitted June 2023 – DfT decision on granting a Designation Order July 2023 – Designation Order Enacted September 2023 – Proposed date to commence Moving Traffic enforcement |
| Background documents: | September 2022 Cabinet Report Officer Delegated Decision Report. Consultation Report |
| Appendices | Appendix A – List of restrictions covered by the Moving Traffic Designation Order. |
| Recommendations | To note to the report and proposed next steps. |

1. Background

- 1.1 In May 2022 the Department for Transport (DfT) announced that local highway authorities outside of London would be able to apply for powers to enforce Moving Traffic Contraventions (MTCs) under Part 6 of the Traffic Management Act 2004. London authorities already have these powers.
- 1.2 Applicable moving traffic restrictions include banned turns, prohibition of driving, weight limits, mandatory cycle lanes, one-way streets and yellow box junctions as illustrated in Appendix A.
- 1.3. The enforcement of such restrictions can play an important enabling role in delivering corporate objectives by improving road safety, cutting congestion, improving bus routes, increasing walking and cycling, and creating more pleasant places to live and work.
- 1.4 Prior to submitting a Designation Order application, the DfT requires authorities to undertake a six week public consultation process to notify the community of the council's intention to apply for a Designation Order and undertake enforcement of MTCs at the stated locations, using specific enforcement equipment.
- 1.6 In September 2022 Cabinet agreed proposals to apply for MTC powers and to go to a public consultation. This ran from 6th October to 18th November 2022. More information about this can be found in the background papers and later in this report.
- 1.7 The DfT stipulates that enforcement at specific sites should only take place following an evaluation of road safety data, a review of signs and lines and implementing potential engineering solutions or other improvement measures. Evidence of this work having taking place is required in the DfT application, together with evidence of support from the Chief Constable.
- 1.5 In November 2022, following a supportive public consultation, the council submitted its application to the DfT to apply for MTC powers and to commence enforcement at five sites. A decision is expected from the DfT in June 2023.
- 1.6 Should the council's application be approved the police will still retain the power to take enforcement action where they consider it appropriate.

2. Enforcement Locations

- 2.1. For the application to the DfT five initial sites to enforce MTCs have been selected, surveyed and audited. The five locations have different types of restrictions in place and were selected following suggestions by Local Highways Managers and Stagecoach. For each site collision data was analysed and an ANPR survey was undertaken to understand the numbers of potential contraventions.

| Location | Restriction |
|---|-------------------|
| Parliament Street, junction with Brunswick Road, Gloucester | Banned right turn |

| | |
|---|------------------------|
| Bruton Way, junction with Market Parade, Gloucester | Yellow box junction |
| Alstone Croft, junction with Alstone Lane, Cheltenham | No entry |
| Cheltenham High Street from junction with Clarence Street | Prohibition of driving |
| Lansdown Road, junction with Parabola Road, Cheltenham | Yellow box junction |

2.2 Full details of the locations, with maps and photographs can be found in the [Consultation Report](#)

2.3 Should the application for a Designation Order be approved the council will be able to consider additional locations in future. These could include places where we want to improve the safety for vulnerable road users, such as pedestrianised areas, the gate streets in Gloucester, key cycle routes and bus routes. A 6 week consultation process is required prior to enforcing at a new location.

3. Public Consultation

3.1 A comprehensive public consultation was held between 6th October and 18 November 2022. It was publicised digitally via the Council's website, Twitter/Facebook accounts, press release, direct email contact to all statutory consultees, Residents Associations, and all relevant Town and Parish Councils. All properties that fell within 50m of each of the proposed locations, a total of 272 addresses, were sent a letter inviting them to participate in the consultation. Hard copies of the consultation material were made available to the public, on deposit, at Shire Hall.

3.2 A web-based questionnaire was developed to seek the views from all stakeholders on the potential enforcement of MTCs at each location and whether they supported or objected to the proposals. A link to the survey questions can be found here:

<https://haveyoursaygloucestershire.uk.engagementhq.com/moving-traffic-enforcement>

3.3 The consultation did not seek views about the broader principles of enforcing MTCs as new regulations have already set out the Government's intention to make these powers available to all local authorities in England. Furthermore, it was not an opportunity to object to an existing restriction as a consultation process took place prior to its implementation.

3.4 Respondents were directed to the online consultation form to provide their feedback or could ask to be provided with a paper copy to complete and send in. A dedicated mailbox was made available for stakeholders to use if they required clarification on any element of the proposals.

3.5 The public response was supportive of the proposal with 73% of respondents supportive of the Council applying for a Designation Order. 23% disagreed and 5% didn't know.

- 3.6 It was a similar picture with the 5 individual locations where the public were supportive of enforcing at all sites. The breakdown of the consultation responses at the specific locations was:
- 3.6.1 Parliament Street/Brunswick Road: 51% agree, 25% don't know with 24% not in agreement.
 - 3.6.2 Bruton Way/Market Parade: 54% agree, 25% don't agree with 21% who don't know.
 - 3.6.3 Alstone Croft: 57% agree, 24% don't know with 19% who do not agree.
 - 3.6.4 Cheltenham High Street: 60% agree, 24% disagree with 16% who don't know.
 - 3.6.5 Lansdown Road/Montpellier Street: 65% agree, 23% disagree with 12% who don't know.
- 3.7 Full details of the public consultation comments and officer responses can be found in the [Consultation Report](#)

4. Financial Implications










- 4.1 Enforcement of traffic restrictions requires resources however it enables wider benefits to be realised, such as fewer road collisions and injuries, greater levels of active travel and more efficient public transport routing. These have benefits which can be monetised to demonstrate a return on investment. The project will generate income from Penalty Charge Notices (PCNs) issued which it is anticipated will cover the costs of equipment, enforcement and back office functions - notice processing and consideration of appeals. Should there be any surplus it must be invested in the service or other areas of highways, transport or environmental improvement as outlined in the 2022 legislation.
- 4.2 An increase in staff resource will be required to manage the enforcement and recovery process, both with its enforcement contractor NSL and internally within the council. Based on current assumptions this is estimated to be one FTE at NSL, and one at the council. Should further locations to enforce be identified additional staff resources maybe required to manage this.







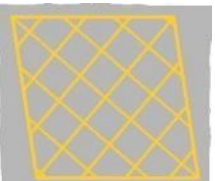
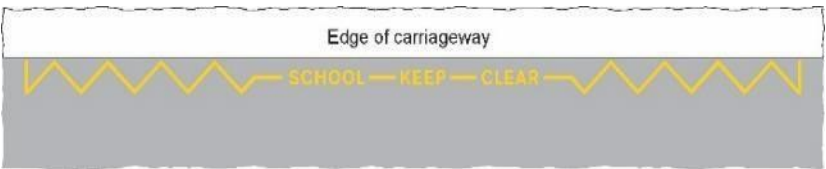
5. Next Steps

- 5.1. The council is now awaiting the decision from the DfT, which is expected in June 2023.
- 5.2. In anticipation of this officers have commenced planning for the introduction of enforcement by undertaking low cost preparatory work to develop processes, infrastructure and systems to manage MTCs. The council's ANPR contractor will undertake site visits so that enforcement equipment and associated hardware can be identified, and plans developed for installation, including power supplies and poles. No physical work on the ground will take place before the council receives the DfT's decision.

- 5.3. Other new internal processes required to manage MTCs include development of a discretionary policy to underpin the appeals process and exploring ways to share contravention information with district licensing authorities in relation to hackney carriage and private hire drivers captured on ANPR cameras committing a moving traffic offence.
- 5.4. Prior to commencing enforcement at the five initial locations a communications strategy will be developed and implemented to ensure that communities and road users are aware of the council's intentions.
- 5.5. Once enforcement commences the council will be required to operate a 6 month warning notice process whereby motorists are issued with a warning notice for their first contravention. Should they commit a second contravention then a Penalty Charge Notice (PCN) can be issued.

Appendix A – Restrictions Covered Under Moving Traffic Designation Order

| Description | Sign | Description | Sign |
|---|---|---|---|
| Vehicular traffic must proceed in the direction indicated by the arrow. |  | Motor vehicles prohibited. |  |
| Vehicular traffic must turn ahead in the direction indicated by the arrow. |  | Motor vehicles except solo motorcycles prohibited. |  |
| Vehicular traffic must keep to the left/right of the sign indicated by the arrow. |  | Solo motorcycles prohibited. |  |
| No right turn for vehicular traffic. |  | Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle symbol prohibited. |  |
| No left turn for vehicular traffic. |  | One-way traffic. |  |
| No U-turns for vehicular traffic. |  | Buses prohibited. |  |
| Priority must be given to vehicles from the opposite direction. |  | Route for use by buses, pedal cycles and taxis only. |  |
| No entry for vehicular traffic (when the restriction or prohibition is one that may be indicated by another traffic sign subject to civil enforcement). |  | Route for use by tramcars only. |  |
| All vehicles prohibited except nonmechanically propelled vehicles being pushed by pedestrians. |  | Route for use by pedal cycles only. |  |

| Description | Signs | Description | Sign |
|---|--|---|---|
| Entry to and waiting in a pedestrian zone restricted. |  | Entry to and waiting in a pedestrian and cycle zone restricted. |  |
| Route for use by pedal cycles and by pedestrians only. |  | With-flow cycle lane. |  |
| Route comprising two ways, for use by pedal cycles and pedestrians only. |  | Contra-flow cycle lane. |  |
| Box junction markings. |  | | |
| Part of the carriageway outside an entrance where vehicles must not stop when the marking is placed in conjunction with the prescribed upright sign which includes the symbol at Schedule 4, Part 3, item 10. |  | | |