

**CABINET MEMBER FOR HIGHWAYS, TRANSPORT, STREET SCENE & FLOODING –
CLLR CAROLINE THOMAS**

HIGHWAYS ASSETS AND COMMISSIONING

OFFICER CONTACT: Joanne Heal Email: joanne.heal@wiltshire.gov.uk

REFERENCE: HTW-12-23

APPLICATION FOR MOVING TRAFFIC ENFORCEMENT POWERS

Purpose of Report

1. The application to the Department for Transport (DfT) for the powers to enforce moving traffic offence requires a number of actions to have been completed prior to submission. A key part of these action is a six-week public consultation on the suitability of the first sites proposed for automatic number plate recognition (ANPR) camera enforcement. This report is to consider the results of the consultation and agree which sites to take forward as part of the application to DfT.

Relevance to the Council's Business Plan

2. Strong Communities - We want people in Wiltshire to be encouraged to take responsibility for their well-being, build positive relationships and to get involved, influence and take action on what is best for their own communities – we want residents to succeed to the best of their abilities and feel safe where they live and work addressing issues raised by members of the local community will contribute towards the building of a stronger community.

Working with Partners as an innovative and effective Council – (community involvement, delivering together).

Main Considerations for the Council

3. Part 6 of the Traffic Management Act (2004) made provision for Government to confer powers on Local Authorities to enforce moving traffic contraventions. A set of Regulations giving effect to these Part 6 powers came into effect in May 2022. Local Authorities wanting to take on these powers are required to apply to the Secretary of State to obtain the moving traffic enforcement (MTE) powers. The powers are in addition to existing powers to enforce parking contraventions and bus lane enforcement, which the Council has been delivering successfully since July 2006 and March 2021, respectively.
4. These powers will enable Wiltshire Council, as the highway authority, to enforce certain moving vehicle offences within the administrative boundary such as yellow boxes, banned turns, traffic restrictions and environmental weight limits to manage specific problem areas through ANPR camera enforcement (similar to the bus lanes) with the fines being retained by the authority to cover the maintenance and management costs.
5. The DfT has issued statutory guidance on the requirements that a local authority must meet in respect of application submissions for moving traffic enforcement sites. The key requirements include:

- (a) Have confirmed the support of the appropriate Chief Officer of Police.
 - (b) Conduct a six-week public consultation on proposed sites and consider all objections raised, taking steps as required to resolve disputes.
 - (c) Carry out public communication on the proposals, using press and social media.
 - (d) Ensure all moving traffic restrictions to be enforced will be underpinned by accurate Traffic Regulation Orders and indicated by lawful traffic signs and road markings.
 - (e) Ensure all relevant equipment has been certified by the Vehicle Certification Agency specifically for the moving traffic contraventions.
6. Should the Council be successful in its application to DfT for the powers to enforce moving traffic offences, there is no requirement to reapply to add additional sites. Future locations must however be subject to a full public consultation exercise of at least six weeks.
7. It is a requirement that during the first six months of operation at all new sites, first offences are issued with warning notices (with no penalty charge) to serve as a further educational measure to improve compliance and embed driver behaviour change.
8. The statutory guidance requires prior consultation with the Chief Officer of Police. The formal response from the Chief Constable confirming support dated 15 June is attached at **Appendix 3**.
9. All traffic signs and road markings and traffic regulation orders associated with the restrictions will be checked for compliance prior to any enforcement taking place.
10. **Proposed sites**
- (i) Market Street, Trowbridge. The restriction is ***No left-hand turn except for buses, taxis and cyclists*** on to Castle Street. Reports of contraventions of this restriction have been received via telephone from members of the public. Calls would have been directed to Wiltshire Police who were responsible for enforcement. The Police have issued one Fixed Penalty Notice (FPN) for this site in the last 12 months; however, they are unable to carry out regular enforcement.
 - (ii) Town Bridge, Bradford on Avon. The restriction is an ***18t weight limit***. The Lorry Watch Scheme report approximately 10 vehicles a week contravening the weight limit based on a part time volunteer basis. Reports of contraventions are often noted in local and social media.
 - (iii) Roundstone Street, Trowbridge. The restriction is ***No entry except for buses, taxis and cyclists***. Reports of contraventions of this restriction have been received via telephone from members of the public. Calls would have been directed to Wiltshire Police who were responsible for enforcement. Contraventions also been witnessed by council officers.
 - (iv) Hollows Close, Salisbury. The restriction is ***Prohibition of vehicles, Monday-Friday, 7.30am-9.30am and 2pm-6pm, except permit holders***. Reports of contraventions of this restriction have been received via telephone from members of the public to our Parking Services Team and Highways Assets and Commissioning Team and there have been regular complaints made to the local member. Wiltshire Police have issued five FPN's for these contraventions in the last 12-month period however they are unable to carry out regular enforcement.

- (v) Market Street, Bradford on Avon. The restriction is a **Yellow box marking**. Contravention of the yellow box marking and consequential overrunning of the footway has been raised on numerous occasions by local residents with the Town Council and the Local Highways and Footways Improvement Group. Physical changes to infrastructure have been considered but have proved impractical to deliver.
- (vi) Saxon Road, Salisbury. The restriction is **Prohibition of vehicles, Monday-Friday, except permit holders**. Reports of contraventions of this restriction have been received via telephone from members of the public to our Parking Services Team who have directed the callers to Wiltshire Police.

Consultation Process

- 11. The public consultation exercise on the suitability of the six sites proposed ran from 17 May 2023 to 28 June 2023. Feedback was captured via a survey which was available on the Wiltshire Council website: <https://www.wiltshire.gov.uk/highways-mte> . Hard copies of the survey were also available on request.
- 12. The survey invited all stakeholders to indicate whether they agreed or disagreed with the proposal to use ANPR enforcement at each site and gave the opportunity for further comments on the individual sites and also asked for any recommendations for future locations for ANPR enforcement. A copy of survey is attached at **Appendix 2** to this report.
- 13. The survey was launched with a press release, social media campaign on Facebook and Twitter, and publication in the Members' newsletter, the Town and Parish newsletter and the Residents' newsletter, which is sent to approximately 27,000 Wiltshire residents. The news was featured on BBC Wiltshire, which went to Bradford on Avon to interview Cllr Caroline Thomas, and in the Wiltshire Times, BBC News, Swindon Advertiser, Salisbury Journal and other local media.

Summary of responses

- 14. A total of 595 online survey responses and 4 hard copy responses were received. Alongside the agree / disagree option, each respondent had the opportunity to provide additional comments on all six sites, therefore enabling a maximum of 3,600 comments. Not every respondent replied to all questions.
- 15. A total of 2,882 responses were received to the agree/ disagree section. Of which 1,990 were in support and 892 disagreed with the proposals. An additional 1,148 comments were received across all sites.
- 16. All six sites proposed received a majority level of support. There were additional queries from residents regarding the Hollows Close and Saxon Road sites in Salisbury and an evening meeting was attended by officers to respond to specific questions.
- 17. There were a number of general comments regarding ANPR enforcement which came out across all sites.
- 18. Due to the high volume of responses, individual comments fully in support of the proposals have not been included in this report. Officers have analysed the comments disagreeing with, or querying the proposals and summarised them into key themes in the Consultation Summary report attached at **Appendix 1** to this report.

Safeguarding Considerations

19. There is no risk to the Council as a result of these proposals.

Public Health Implications

20. There is none in this scheme.

Procurement Implications

21. There is none in this scheme.

Environmental and Climate Change Considerations

21. Enforcement of moving traffic offences should have a positive impact on carbon emissions in local areas, by enforcing traffic restrictions that are design to prevent vehicles from travelling through an area.

Equalities Impact of the Proposal

22. There are no changes to the existing legal restrictions therefore no impact.

Risk Assessment

23. There is no risk to the Council as a result of these proposals.

Financial Implications

24. The financial implications are expected to be low. Wiltshire Council already owns the ANPR cameras needed for enforcement. There are minimal costs associated with any signing or lining improvements. Evidence suggests that compliance increases significantly within first six months of camera enforcement therefore it is not anticipated to generate any significant revenue and potentially could run at a small cost to the Council.

Legal Implications

25. The statutory guidance issued by the DfT requires the Council to ensure that that the Traffic Regulation Orders and signs and road marking comply with legal requirements prior to any enforcement action. Should enforcement take place at a site which does not comply with the regulations at the time of the offence, the enforcement team will cancel the penalty charge notice.

Options Considered

26. To:

- (i) Proceed with all six sites as part of the application to DfT.
- (ii) Reduce the number of sites taken forward as a result of responses received.
- (iii) Not proceed with any of the sites and to identify new sites and recommence another consultation exercise.

Reason for Proposal

27. The results of the public consultation set out in **Appendix 1** indicate a majority level of support at each site. It is noted that should the application for moving traffic enforcement powers be successful, there is no requirement to implement ANPR enforcement at every site - should technical reasons prevent this.

Proposal

28. That it therefore be considered appropriate to continue to progress with all 6 sites as part of the submission to DfT.

The following unpublished documents have been relied on in the preparation of this Report:

- Appendix 1** - Consultation response summary report
Appendix 2 - Copy of consultation survey
Appendix 3 - Copy of Chief Constable letter of support