



WILTSHIRE POLICE

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Joanne Heal I.Eng FIHE
Wiltshire Council.
By Email.

15th June 2023.

Dear Joanne,

Thank you for your recent correspondence regarding Wiltshire Council's application to enforce moving traffic offences.

I apologise for the delay in this letter however, I can confirm that I have consulted widely internally in order to inform this response. In short, I am supportive of the application by Wiltshire Council however, I have included further detail by way of rationale.

In summary, Wiltshire Council have listed six sites within your unitary Council area which are suitable for enforcement by way of your own ANPR enforcement cameras.

In order to establish how much enforcement has been carried out by Wiltshire Police over the last 12 months to 1 May 2023, I have consulted with CJU Justice Traffic department who have interrogated their software system (Pentip). They have confirmed that at all of the sites as listed, there have been a total of six non-endorsable fixed penalty notices issued at these locations for the type of offences that are being considered. There has been one issued at the 'Market Street/ Castle Street Trowbridge – Prohibition of left-hand turn except buses, taxis and cycles' and five issued at 'Hollows Close Salisbury - Prohibition of Vehicles Mon-Fri 7.30am -9.30am and 2pm -6pm except permit holders'.

On making further enquiries into who will take primacy if Wiltshire Council are given the powers by DfT to enforce moving traffic offences, as outlined in Traffic Management Act 2004, and whether this will affect how the Police will be able to deal with these types of offences moving forward and after the fact, I have been provided with the response from the DfT, via Wiltshire Council, as below:

'Dual enforcement of moving traffic restrictions applies in designated civil enforcement areas. Overall, police enforcement of moving traffic restrictions takes precedent in the event of simultaneous action for the same contravention. In such circumstances the local authority Penalty Charge Notice must be cancelled (or refunded if the penalty has been paid) - see Regulation 8(2) of The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022'.

It is to be noted that as there can be no 'double jeopardy' for the same contravention between any criminal proceedings by the Police and civil proceedings by the Local Authority. To ensure this does not occur, Wiltshire Police will share with officers and staff the locations and offences Wiltshire Council will progress and that no action is to be taken by police unless further information is received as to a change in this approach.

During my initial consultation with Wiltshire Council, there was a suggestion that you were initially considering pursuing the offence of contravening a 'No Entry' sign. As a result of this, I have made

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further enquiries asking how this would be managed, as the consensus is that the local authority have no access to PNC information and DVLA records, this would ultimately be a barrier in prosecution as this specific offence is endorsable. I have been provided with the response from the DfT, via Wiltshire Council, as below:

'Traffic signs indicating moving traffic restrictions when civilly enforced by local authorities are not endorsable. Part 4 of Schedule 7 to the Traffic Management Act 2004 prescribes those traffic signs indicating moving traffic restrictions which may be designated for civil enforcement. The only such sign indicating an endorsable offence, only when enforced by the police, is that of failing to comply with a no entry sign (Traffic Signs Regulations and General Directions 2016, diagram 616)'.

I can see no reason not to support Wiltshire Council in pursuing your application to the DfT in order to enforce moving traffic offences as outlined in Traffic Management Act 2004.

Obviously there is a need to consider enforcement at these locations, both from a road safety and environmental perspective, however, by supporting Wiltshire Council this would support Wiltshire Police and in particular the Neighbourhood Policing Team, allowing them to prioritise other aspects of Policing. The hardware to support this initiative will be installed and maintained by the Local Authority and management through the 'Parking Services' team, will be responsible for all of the administrative procedures when processing the Penalty Charge Notices (PCN's).

As part of this process, I have consulted with the relevant stakeholders within Wiltshire Police, namely, Roads Policing Unit, Neighbourhood Harm Reduction and CJU Justice Traffic and they have all provided positive feedback on this initiative.

Yours sincerely,



Catherine Roper
Chief Constable
Wiltshire Police