

Divisions Affected - ALL

CABINET

18 January 2022

Civil Enforcement of Moving Traffic Offences Report by Corporate Director of Environment and Place

RECOMMENDATION

1. **The Cabinet is RECOMMENDED to:**
 - (a) Approve submission of an application to the Department for Transport to apply for a Designation Order for Oxfordshire to enforce moving traffic offences.
 - (b) Approve the Site Selection Criteria at Annex 1 and Resource Prioritisation Framework at Annex 2 to manage decisions for potential enforcement delivery.

Executive Summary

2. The Department for Transport will be inviting applications for a Designation Order to enable a Highway Authority to undertake civil enforcement of site specific Traffic Regulation Orders within a geographical area already covered by Civil Parking Enforcement. For Oxfordshire, this can include the whole County as Civil Parking Enforcement is now Oxfordshire wide.
3. The Designation Order will allow Oxfordshire County Council to select sites for enforcement by camera to better manage the bus network, promote active traffic and clean air policies and better manage the network as required by the Traffic Management Act 2004.
4. When making the application, the Department Transport is requesting that this is supported with some initial specific sites identified for implementation to ensure the order is used.
5. To support the prioritisation of resources, site selection criteria (Annex 1) and resource prioritisation framework (Annex 2) have been identified.

Background

6. The Government is taking the extension of the Traffic Management Act Part 6 powers to those in England outside London (Wales and London already have these powers) through Parliament with anticipation it will come into force early 2022. It is expected applications will be invited end Feb / early March 2022, with a decision and successful designation orders made late spring.
7. These powers will enable the County Council as the highway authority to enforce certain moving vehicle offences such as no entry, yellow boxes, banned turns, traffic restrictions and environmental weight limits. Full details of what these specific restrictions are can be found at Annex 3.
8. The County Council can apply to the Department for Transport for a Designation Order in the same areas that are covered under Civil Parking Enforcement. For Oxfordshire, this encompasses the whole of the geographical area of the County.
9. The Designation Order can apply for the whole of Oxfordshire and will allow for the enforcement of traffic offences by the County Council (in addition to Thames Valley Police who will retain their power to do so). Its purpose is to enable authorities to manage specific problem areas through Automatic Number Plate Recognition camera enforcement (similar to the bus lanes) with the fines being retained by the authority to cover the maintenance and management costs.
10. The Department for Transport has provided guidance on the conditions that a local authority must meet and commit to in respect of bringing forward moving traffic enforcement sites. The key requirements are:
 - (a) Have the support of the appropriate Chief Officer of Police
 - (b) Carried out a minimum six-week public consultation on the detail of planned civil enforcement of moving traffic contraventions.
 - (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 as the Council considers appropriate, for example using local press and social media, and that this will continue up to the start of enforcement and for a reasonable period thereafter.
 - (e) Ensured all moving traffic restrictions to be enforced will be underpinned by accurate Traffic Regulation Orders and indicated by lawful traffic signs and road markings.
 - (f) Ensured all relevant equipment has been certified by the Vehicle Certification Agency specifically for the moving traffic contraventions.

Proposed Approach

11. To support resource and programme prioritisation, consideration has been given to when enforcement by camera should be explored and progressed. Criteria to help select sites for camera enforcement and a resource prioritisation framework has been developed. Essentially there must be an adherence problem that the council is not able to sensibly 'design out' through delivery of physical changes. Identification of locations will be done on a case-by-case basis in line with Department for Transport guidance and as set out in our own criteria.
12. Different types of restrictions have differing implementation, operation costs, and complexity - which will also need to be considered and factored into programme decisions. The most complex, and probably resource intense in terms of enforcement, is Environmental Weight restrictions due to the allowance of local delivery.
13. The Department for Transport has committed a timeframe for those applying in Tranche 1, but there is no indication of when further applications may be able to be considered. We are therefore keen to apply for and obtain a Designation Order in tranche 1 in order to have the powers available to us.
14. To support the application and make sure local authorities progress and implement the new powers given in a timely manner, the Department for Transport is requesting that some specific sites are identified and implementation to ensure the order is used. Officers in liaison with Thames Valley Police, using the criteria and prioritisation framework, will identify sites which will be agreed in liaison with the Cabinet Member for Highways Management.
15. Consultation on the intention to enforce by camera at these sites will be undertaken, with valid concerns/objections being considered resulting in either correction of the issue, or removal of the site from the initial programme.
16. Valid concerns/objections are aspects such as; the Traffic Regulation Order and signage not matching, the order being out of date and no longer making sense, the restriction not being clear and understandable, the design of the restriction makes it possible to enforce by camera.

Corporate Policies and Priorities

17. Introduction of Part 6 supports the following Fair Deal Alliance priorities:
 - Put action to address the climate emergency at the heart of our work.
 - Prioritise the health and wellbeing of residents.
 - Invest in an inclusive, integrated, and sustainable transport network.
 - Work with local businesses and partners for environmental, economic, and social benefit.

18. In addition, the proposal supports the delivery and ambition within the emerging Local Transport and Connectivity Plan, emerging Network Management Plan and Local Transport Policies.

Financial Implications

19. Funding the work required for the initial application and associated delivery commitments will come from existing revenue staffing budgets and existing capital budgets (to a maximum of £50k) as approval to make an application is required ahead of wider council budget decisions.
20. To deliver camera enforcement cohesively across Oxfordshire will require capital funding. The table below indicates the expected level of funding required based on initial work officer have undertaken with Thames Valley Police on the potential number of sites requiring camera enforcement intervention. This requirement is being considered as part of the budget setting process.

Narrative	2022/23 £'000	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'000	Up to 2031/32 £'000	Total
Capital Investment	300	500	500	200	200	1,000	2,700

21. The initiative is expected to bring in income which will in the first instance be used to cover the operating costs of the enforcement. The estimated net income tabled below is considered and being identified as saving as part of the Budget Strategy process. Any surplus income above this allocation could be used to fund part of the capital investment and or the costs of Prudential Borrowing interest.

Narrative	2022/23 £'000	2023/24 £'000	2024/25 £'000	2025/26 £'000
Operational Costs	45	125	200	200
Income	-175	-455	-780	-780
Net Income	-130	-330	-580	-580

Comments checked by:
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Legal Implications

22. The legislation this is being progressed under is part 6 of the Network Management Act 2010. The county council will be required to adhere to the requirements set down by the Department for Transport and ensure that the site-specific Traffic Regulation Orders comply with legal requirements and the site-specific consultations are carried out correctly.
23. The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 modifies s55 and whilst it continues to apply to parking contraventions, at Reg 25(5) it modifies s55 and adds the following as S55(11):

A reference in this section to the income and expenditure of an authority as an enforcement authority is to their income and expenditure in connection with their functions under Part 6 of the 2004 Act (civil enforcement).

24. Part 6 of the Traffic Management Act 2004 is the part that enables Civil Enforcement of traffic contraventions (and the contraventions covered have been extended by the 2018 Regs) and so the income and expenditure from moving traffic offences should be accounted for in the same manner as for parking contravention income and expenditure.

Comments checked by:

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Procurement Implications

25. The management of enforcement is planned to be undertaken through the councils existing contract for enforcement of parking and bus lanes.
26. The implementation of the required infrastructure to enable enforcement to take place has yet to be confirmed, but is expected to be through one of our existing highway infrastructure delivery contracts or framework available to us.

Comments checked by:

Melissa Sage, Head of Procurement & Contract Management

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Staff Implications

27. There are no staffing implications in respect of applying for a Designation Order. Resources to design and deliver enforcement infrastructure will be secured through consultancy if additional resources are required.
28. Management of the new restrictions will be managed within existing staffing.

Equality and Inclusion Implications

29. An assessment has been undertaken for the proposal in general. In summary no negative impacts were identified as a result of this proposal. Positive impacts were identified in terms of reducing congestion, promoting active and public transport travel, improving air quality and supporting local transport policies.
30. It is important to note that sites for Part 6 enforcement will be selected and enforced against the existing Traffic Regulation Orders and maintain the existing exemptions (where they apply) for those with a right of access/exemption. It is only the style of enforcement is changing, not the restriction itself. Therefore, there are not considered to be any new implications as a result of this decision.
31. However, where new restrictions are promoted for particular locations, full consideration will be given to Equality and Inclusion as part of the Traffic Regulation Order process. A full Equality & Climate Impact Assessment will be completed and included as part of the decision-making process.

Sustainability Implications

32. The enforcement itself for some locations will support active travel measures and support delivery of a sustainable transport network.
33. Materials for the additional infrastructure on the highway will be designed and use implementation techniques to minimise the impact of carbon and climate.

Risk Management

34. Parliamentary and subsequent Department for Transport application approval is still required. There is a risk that this will not be given, or more likely that it could be delayed. This would have an impact on forecasted expenditure and income projected.
35. Following several years of limited enforcement there may be confusion or push back by the public. To help manage this, in addition to the consultation requirement, a period of grace with just warning letters issued for an initial period. The Department for Transport have confirmed that during the first six-months of any camera enforcement, the 'first offence' should be subject to a warning notice with any subsequent contraventions subject to a penalty charge notice. This will be incorporated into our operating procedures.

Consultations

36. The Chief Officer of Thames Valley Police has confirmed support 'in principle', formal approval for specific sites will be sought as they come forward.
37. No public communication has yet been undertaken. A consultation on the initial sites committed as part of the application will be undertaken if a decision to apply for these powers is agreed.
38. If an application is made and Oxfordshire is successful in obtaining a Designation Order, then future sites identified for civil enforcement by camera will be subject to public consultation on a site-by-site basis. In the event that Oxfordshire is not included in Tranche 1 further work on site identification will continue in preparation for Tranche 2.

BILL COTTON

Corporate Director of Environment and Place

Annex 1:	Site Selection Criteria
Annex 2:	Resource Prioritisation Framework
Annex 3:	Specific restrictions camera enforcement applies to (Traffic Management Act 2004 – Schedule 7 signs for civil enforcement).

Background papers:	None
Other Documents:	None

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