

READING BOROUGH COUNCIL

REPORT BY EXECUTIVE DIRECTOR OF ECONOMIC GROWTH AND
NEIGHBOURHOOD SERVICES

TO:	STRATEGIC ENVIRONMENT, PLANNING & TRANSPORT COMMITTEE		
DATE:	16 NOVEMBER 2022		
TITLE:	INTRODUCTION OF CIVIL ENFORCEMENT OF MOVING TRAFFIC CONTRAVENTIONS		
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report provides an update on the introduction of civil enforcement of moving traffic contraventions across the Reading Borough Council area.
- 1.2 The report recommends that its contents are noted; no formal decisions are required at this stage.
- 1.3 Appendix 1 - Climate Impact Assessment

2. RECOMMENDED ACTION

- 2.1 That the Committee notes the content of this report and endorses the scheme as described.

3. POLICY CONTEXT

- 3.1 The contents of this report compliment the Bus Service Improvement Plan (BSIP) and the Local Transport Plan (LTP) as well as supporting the Climate Emergency Strategy by reducing emissions through reduced queueing and improving traffic flow.

4. THE PROPOSAL

4.1 Current Position:

- 4.2 Part 6 of the Traffic Management Act 2004 introduced the principle of allowing Highways Authorities outside London to use powers to enforce moving traffic offences. However, secondary legislation was not subsequently laid, meaning offences could only be enforced by the Police under criminal law.

- 4.3 The Department for Transport (DfT) announced in 2020 that they would be fully enacting the remaining elements of the Traffic Management Act, permitting Highway

Authorities outside of London to use approved camera devices under civil law, to enforce moving traffic contraventions.

- 4.4 This will allow the highway network to be more effectively managed by the Highway Authority (Reading Borough Council), allowing the civil enforcement of a variety of moving traffic contraventions whilst maintaining national standards to improve road safety, pollution levels, journey time reliability and public realm in locations with low compliance.
- 4.5 Moving traffic contraventions relate to traffic controls which are enabled through Traffic Regulation Orders (TROs) and the correct signing and lining and include the following:
- driving through a 'No Entry' sign
 - turning left or right when instructed not to do so
 - entering yellow box junctions when your exit is not clear
 - driving where motor vehicles are prohibited
 - driving a private vehicle on a route for buses only
- 4.6 The Council applied to the DfT to be included in the list of authorities that can enforce key highway restrictions or prohibitions across Reading which was confirmed and came into force on 15 July 2022, with the passing of 'The Civil Enforcement of Moving Traffic Contraventions Designations and Miscellaneous Amendments Order 2022'.
- 4.7 From 8 April to 20 May 2022, the Council launched a six-week public consultation and engagement exercise setting out how it would implement Part 6 of the Traffic Management Act 2004. The consultation provided the opportunity for the public and other stakeholders to find out about the proposed initial use of enforcement powers in Reading and provide feedback. Feedback was captured via a questionnaire which was available on the RBC's consultation and engagement website. Hard copies of the questionnaire were also available on request. To raise awareness of the consultation and encourage participation, a media release was drafted alongside social media postings.
- 4.8 Although, the Council applied for the powers across the Borough, there was a need to identify some sites for immediate enforcement once the legislation was passed. There are currently fifteen sites that were identified for a first tranche. All fifteen are yellow box junctions and are located at:
1. Inner Distribution Road (IDR)/Mill Lane/London Street
 2. Oxford Road/Bedford Road
 3. Oxford Road/Grovelands Road
 4. Church Road/Church Street, Caversham
 5. The Oracle gyratory (x3)
 6. London Road/Eldon Road
 7. Queens Road (IDR)/Sidmouth Street
 8. Kings Road/Orts Rd/Eldon Rd.
 9. Cemetery Junction
 10. London Rd/Cholmeley Road
 11. London Rd/Kendrick Road
 12. A33 at Matalan
 13. Bath Road/Berkeley Ave
 14. Bath Rd Burghfield Rd
 15. Inner Distribution Road A33 junction towards The Oracle (Southampton St) slip Rd.
- 4.9 The consultation included the following:
- an introduction to the proposal and background information, setting out the rationale for and benefits of, moving traffic enforcement

- site specific details for each of the site's to take forward in the first tranche, including a location plan and photos of the current layout.
- the list of signs the DfT has approved for civil enforcement
- frequently asked questions
- questionnaire to allow the public to express general feedback or comments in relation to any of the first tranche sites.

4.10 In general consultees were in favour of enforcement of moving traffic contraventions, with 52% of consultees supporting the overall initiative (Q1). Of the written comments received, overall (22%) were in general support of this type of control, whilst 16% of comments raised concerns that this was about income generation and 9% of responses were concerned that this would not be a good use of council funds.

Table 1 - Summary of Consultation Feedback on Moving Traffic Enforcement Powers

Question No.	No. Responses (Total 146)			% of Responses (Total 100)		
	Support	Object	(Blank)	Support	Object	(Blank)
1 (Overall)	76	70	0	52	48	0
2 (location 1)	72	65	9	49	45	6
3 (location 2)	72	62	12	49	42	8
4 (location 3)	71	62	13	49	42	9
5 (location 4)	73	62	11	50	42	8
6 (location 5)	71	64	11	49	44	8
7 (location 6)	77	60	9	53	41	6
8 (location 7)	72	64	10	49	44	7
9 (location 8)	72	64	10	49	44	7
10 (location 9)	75	61	10	51	42	7
11 (location 10)	71	60	15	49	41	10
12 (location 11)	72	62	12	49	42	8
13 (location 12)	68	61	17	47	42	12
14 (location 13)	68	65	13	47	45	9
15 (location 14)	67	64	15	46	44	10
16 (location 15)	69	62	15	47	42	10

4.11 Following consultation, officers continue to work on the implementation of the tranche one sites including:

- Approved Device (ANPR Camera) Procurement
- Site specific layouts - including signing and lining refresh and Data Protection Impact Assessments
- Staff resources and training
- Draft publicity and communications plan
- Draft mitigation policy and relevant correspondence

4.12 It is anticipated that the first sites will go live before the end of 2022, with all sites active by 1 April 2023. Across the 15 locations, there are 25 enforcement areas, this is due to some sites enforcing multiple directions.

4.13 The DfT have prescribed a six-month warning notice period at every site. This means that the first correspondence sent for each vehicle at every site will not contain a Penalty Charge Notice, but a Warning Notice that has no charge attached to it. The same applies for every new site that may be introduced in the future.

4.14 Following the introduction of the initial sites it would be anticipated more sites will follow, where this would meet the criteria for this method of enforcement. A facility

will be introduced to allow stakeholders, including the public, to suggest sites they feel would benefit from enforcement.

5. CONTRIBUTION TO STRATEGIC AIMS

5.1 This project contributes to the Council's Corporate Plan themes as set out below:

Healthy environment

The implementation of Moving Traffic Enforcement supports the free flow of traffic, helping to reduce emissions from queueing vehicles. Public Transport, in particular buses, should flow more freely and keep to schedule, promoting more use of a more efficient service.

Thriving Communities

The more efficient flow of traffic, particularly public transport, supports our communities to move around the borough effectively and efficiently by managing and reconciling the competing demands for road space.

Inclusive economy

Introduction of Moving Traffic Enforcement enhances the highway network across the borough and encourages people to visit sites of cultural significance, retail and entertainment venues and geographical benefits.

6. ENVIRONMENTAL AND CLIMATE IMPLICATIONS

6.1 As described in the Climate Impact Assessment in Appendix 1, the environmental and climate impact of this project is categorised as 'net low positive'. The cameras are being sited at existing busy locations across the highway network and will have some negative impacts due to increased power consumption through operation and construction. However, the process of enforcement encouraging less congestion should result in fewer emissions of all vehicles and improve the transport network for all users including freight and delivery. There is a possibility more people will use public transport because of increased reliability, which in turn will remove private vehicles from the network, reducing emissions.

7. COMMUNITY ENGAGEMENT AND INFORMATION

7.1 Public consultation has been carried out in line with DfT instructions and associated guidance.

7.2 A consultation page was on the RBC website and new pages will be introduced as the project continues

7.3 Press releases and social media posts were issued to provide public information and ask for feedback.

7.4 Consultation was undertaken with Thames Valley Police as per statutory requirements.

7.5 Consultation was shared via e-mail with all statutory recipients of Traffic Regulation Orders.

8. EQUALITY IMPACT ASSESSMENT

8.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.2 It is not considered that an Equality Impact Assessment is relevant as the project is not deemed to be discriminatory to persons with protected characteristics, nor does it significantly vary existing operations. Consultation processes will be conducted, where applicable, providing an opportunity for objections/support/concerns to be considered prior to a decision being made on whether to implement further sites of enforcement.

9. LEGAL IMPLICATIONS

9.1 This project is being implemented under the following legislation and statutory guidance:

- Traffic Management Act 2004
- Traffic Management Act 2004: statutory guidance for local authorities outside London on civil enforcement of bus lane and moving traffic contraventions
- The Civil Enforcement of Moving Traffic Contraventions Designations and Miscellaneous Amendments Order 2022

Delegated authority for enforcement of Moving Traffic Contraventions will be sought as part of scheme and spend approvals in line with current enforcement activities carried out under the Traffic Management Act 2004.

10. FINANCIAL IMPLICATIONS

10.1 The introduction of Moving Traffic Enforcement will be indicatively funded from up to £450k capital received as part of the Bus Service Improvement programme.

- After the initial six-month warning notice period at each location, there will be an income from each of the implemented sites which will support the councils Network Management Duty.
- As compliance increases at each site, income will decrease. At a yet to be determine 'compliance reached point' the cameras can be moved to a new location where compliance is not yet reached. This moving of hardware will have low cost (compared to buying new equipment) and will bring a return to value for money after the initial 6-month warning notice period.

11. BACKGROUND PAPERS

11.1 *None*

FINANCIAL IMPLICATIONS

The financial implications arising from the proposals set out in this report are set out below:-

1. Revenue Implications

	2022/23 £000	2023/24 £000	2024/25 £000
Employee costs	220	120	0
Other running costs			
Capital financings costs	0		
Expenditure			
Income from:			
Fees and charges	-500	-250	-250
Grant funding (specify)			
Other income			
Total Income			
Net Cost(+)/saving (-)	-280	-130	-250

The net cost of the proposal can be funded from Parking Services, with capital of up to £450k from the Bus Services Improvement Plan.

2. Capital Implications

Capital Programme reference from budget book: a reference is yet to be allocated.	2022/23 £000	2023/24 £000	2024/25 £000
Proposed Capital Expenditure	400		
Funded by			
Grant - Bus Service Improvement Plan Section 106 (specify)	-400		
Other services			
Capital Receipts/Borrowing			
Total Funding	0		

3. Value for Money (VFM)

This service will provide value for money, and there is potential to increase the service over the coming years.

4. Risk Assessment.

It is possible sites will reach compliance at a faster rate than the calculations assume (approx. 4 years); however, it is cost effective to move equipment to a new site sooner than anticipated ensuring continuation of income.