

Title of report: Implementation of Moving Traffic Enforcement

Decision maker: Cabinet member Infrastructure and transport

Decision date: 22 July 2022

Report by: Parking Strategy & Processing Manager

Classification

Open

Decision type

Key

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Wards affected

(All Wards);

Purpose

To consider and approve the business case for the council to take on powers for moving traffic enforcement (MTE), noting that the business case is informed by statutory consultation and traffic surveys which provide an indication of the current scale of moving traffic offences locally.

And,

To approve an application to the Department for Transport for enforcement powers, in relation to Part 6 of the Traffic Management Act 2004 ("TMA04") which will enable the council to enforce specified moving traffic offences and help address concerns around congestion, highway safety and general amenity.

Recommendation(s)

That:

- a) Approval is given to the business case (Appendix 1) for taking on part 6 (Traffic Management Act 2004) powers and the preferred service delivery model (Scenario 2) agreed for implementation with associated budgets;**

- b) To approve, subject to approval of recommendation (a), the submission of an application to the Department for Transport (DfT) for making a Designation Order for the County of Herefordshire to enforce Moving Traffic Contraventions by camera under part 6 of the Traffic Management Act 2004;**
- c) To approve the Parking and Moving Traffic Enforcement Policy as an amendment to the existing overarching Enforcement Policy, as provided in appendix 2; and**
- d) To approve the delegation of all operational decisions, in relation to the recommendations set out in paragraphs (a),(b) and (c) above to the Interim Service Director for Highways and Transport in consultation with the Cabinet Member for Infrastructure and Transport and Chief finance officer**

Alternative options

1. Not to approve the business case for the submission of an application to the Department of Transport for Enforcement Powers under Part 6 of the TMA 2004 and the submission of an application for the making of the Designation Order to take on powers to enforce Moving Traffic Enforcement (MTE). This is not recommended as the current level of enforcement of these types of offences, as carried out by the West Mercia Constabulary, is minimal and does not effectively address high numbers of vehicles currently contravening these restrictions impacting traffic flow, road safety and general environmental amenity.
2. Not to approve the Moving Traffic Enforcement Policy and limit the number of sites which enforcement is provided through cameras by only applying for a Designation Order for specific sites. This is not recommended, for transparency and agility, powers should be obtained for countywide coverage where statutory processes can then be undertaken in order to extend enforcement to new sites. If powers were only obtained for specific sites, this would constrain the council in the future to expand its enforcement operations to meet any complaints, traffic flow or road safety concerns.
3. For the reasons outlined in this report and included in the business case at appendix 1, a range of alternative delivery options have been considered and are not being recommended.

Key considerations

4. In July 2020, the UK Government announced plans to improve cycling and walking uptake across the country in [Gear change – a bold vision for cycling and walking](#). As part of this strategy, the Department for Transport (DfT) have begun the process to enable new regulations, held within existing legislation (Traffic Management Act 2004), to provide for Local Authorities to enforce moving traffic contraventions. This decision will approve the council's application for these powers, which the DfT will then lay before parliament for approval by way of a Designation Order.
5. Programme of actions for the implementation of Moving Traffic Enforcement:

Designation Process	117 days	Thu 21/07/22	Fri 30/12/22
Competition of application form	30 days	Thu 21/07/22	Wed 31/08/22
Submission of Application	0 days	Wed 31/08/22	Wed 31/08/22
Batch 2 before parliament	21 days	Fri 02/12/22	Fri 30/12/22
Designation order approval	0 days	Fri 30/12/22	Fri 30/12/22
Deployment	65 days	Mon 02/01/23	Fri 31/03/23
Back office configuration	60 days	Mon 02/01/23	Fri 24/03/23
PO raised for equipment	10 days	Mon 02/01/23	Fri 13/01/23
Equipment order	40 days	Mon 16/01/23	Fri 10/03/23
Site installation	10 days	Mon 13/03/23	Fri 24/03/23
Commissioning	5 days	Mon 27/03/23	Fri 31/03/23
GO LIVE	0 days	Fri 31/03/23	Fri 31/03/23
Operation	130 days	Mon 03/04/23	Fri 29/09/23
6 month warning notice period	130 days	Mon 03/04/23	Fri 29/09/23
first day of PCN issue	0 days	Fri 29/09/23	Fri 29/09/23

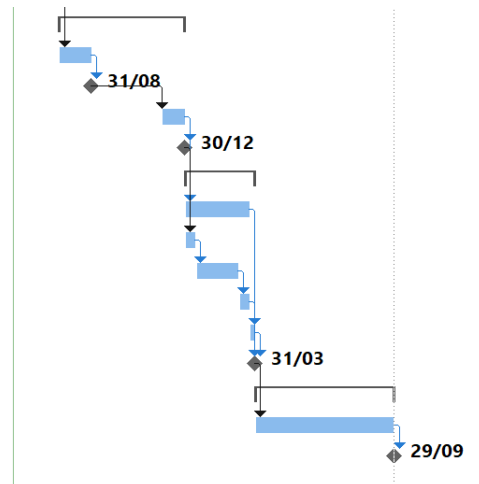


Figure 1 Gantt Chart of Potential Implementation Programme

6. The core purpose of the UK Government advancing the regulations nationwide is to reduce congestion, improve air quality, improve bus service reliability, and encourage cycling whilst promoting a generally safer environment for all road users.
7. As part of the enabling of the regulations, enforcement will be provided through *approved* camera devices that can detect contraventions, where a trained Civil Enforcement Officer will then administer a Penalty Charge Notice when it is appropriate to do so, to a registered keepers address. In accordance with existing regulations for Civil Parking Enforcement any device used for the capture of a contravention must be *approved* by the Vehicle Certification Agency (VCA).
8. It is important to note that the extent of these new powers will not allow the council to enforce all road traffic laws, where the most serious (requiring endorsement of a driver's licence or more) will still be retained by the police for offences such as speeding, mobile handset use, traffic light jumping, or other careless / dangerous driving.
9. The types of contravention that will be enforced by councils are as follows, with the full details available [here](#):
 - a. Contravening a one way street
 - b. Turning left / right where banned including U-turns.
 - c. Accessing and driving into Pedestrian Zones
 - d. Contravening a no entry including access only
 - e. Stopping on a yellow boxed junction
 - f. Driving in cycle and bus only routes
 - g. Restricted access / weight limits
 - h. Stopping on a school keep clear marking

Application for powers

10. The DfT has released statutory guidance to all Local Authorities setting out the steps that it must take in order to succeed in a Designation Order application. The Chief Executive will be expected to provide written assurance that these steps have been undertaken (appendix 3). On receipt of a qualifying application each step must be considered by Parliament in order to convey powers to the council. The steps that must be undertaken are set out below:
 - a. Consulted 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.

- d. Carried out effective public communication and engagement.
- e. Ensure all moving traffic restrictions to be enforced will be underpinned by accurate Traffic Regulation Orders (TRO), where applicable, and indicated by lawful traffic signs and road markings.
- f. Ensured all the relevant equipment has been certified by the Vehicle Certification Agency (VCA).

The elements required have been satisfied as follows:

- 11. (a) Early engagement has been undertaken with West Mercia Police who has confirmed its support regarding these proposals. The police will continue to have powers for the issue a Fixed Penalty Notice for the offences listed at para 8 above.
- 12. (b) The public [consultation](#) public was undertaken between 3 March and 15 April 2022, the results of which are set out in the consultation section below. Following engagement with Public Passenger Transport, Road Safety and the Police, the proposed sites subject to the consultation were based on a previous history of complaints and/or incident.

Location	Vehicle restriction type
A438 / A49 Junction (Steel's), Hereford	Yellow box
A438 Eign Street / Aldi junction, Hereford	Yellow box
A49 Edgar Street / Tesco roundabout, Hereford	Yellow box
Bewell Street, Hereford	No entry except access
Blueschool St. / Widemarsh St., Hereford	No entry except access
Blueschool Street, Hereford	Yellow box
Broad Street, Hereford	One way
City Link Road / Widemarsh Street, Hereford	Banned turns
Commercial Road / Stonebow Road, Hereford	Yellow box
Commercial Road / Union Walk, Hereford	Yellow box
Commercial Square (o/s The Kerry), Hereford	Yellow box
East Street, Hereford	No entry except access
High Town (St. Peters), Hereford	No entry except access
Holme Lacy Rd (Near Goodwin Way)	Weight restriction
Offa Street	One way
Prior St	No Entry / One way
Springfield Ave / Hunderton Ave)	Contravention of No entry/one way
Widemarsh / Conningsby Street	Yellow box
Ginhall Lane / Green Lane, Leominster	Banned turn
C1259 from A40, Goodrich	7.5t weight limit
Knapp Lane, Ledbury	3.5t weight limit
Town Centre (various streets), Bromyard	7.5t weight limit
All schools	Yellow no stopping zig zags

- 13. (c) Responses are set out in appendix 4.
- (d) Further engagement with the public will take place prior to the commencement of any enforcement action upon receipt of the powers; this will include local press releases, social media campaign, and information regarding the rules being published. A six month warning notice period will also operate for a driver that contravenes any camera enforced location on the first occasion.

14. (e) A [contract has been commissioned](#) for specialist highway engineers to review existing Traffic Regulation Orders, on street signage and line marking conditions. This is to ensure that the motorist subject to enforcement action can rely on a valid and accurate TRO.
15. (f) Permission to use an approved device will be sought from the VCA once the procurement process is undertaken, though it is likely that the council will seek to procure devices with pre-existing approval.

Business case and site surveys (the full business case is at appendix 1)

16. As part of the feasibility work prior to this decision, traffic surveys and consultancy advice has been [procured](#) in order to assess feasibility and develop the business case. The objective of this commission was to understand the impact that increased enforcement could have on the highway network. The commission has also considered the costs of introducing enforcement for the council and has provided advice in relation to the service delivery models available. As part of the business case financial modelling has been undertaken to clarify whether or not the introduction of MTE could operate in a financially sustainable way, whilst having regard to the council's adopted MTFS within the guidelines of the MTE regulations.
17. The traffic surveys took place at a range of sites in Hereford so that a full understanding can be provided regarding the level of contravention at these locations, with the intention to profile this data at other junctions in the county as required.
18. The traffic surveys were undertaken using specialist vehicle tracking camera equipment that detect vehicle types and banned movements. The surveys were conducted over the week (7 days) commencing 30 March 2022 with data capturing throughout the day (between 7am and 7pm). Over the course of the survey period a total of 17,470 moving traffic contraventions were identified.
19. Table of total contraventions identified during surveys.

Location	Vehicle restriction type	Contraventions identified over 7 day survey (7am – 7pm)
Blueschool St. / Widemarsh Street	No entry except access	22
Blueschool Street	Yellow box	1,660
City Link Road / Widemarsh Street	Banned turns	73
Commercial Road / Union Walk	Yellow box	86
Commercial Square (o/s The Kerry)	Yellow box	5,851
East Street	No entry except access	9,778
TOTAL		17,470

20. It is important to note that where PCNs are issued, it will not result in enforcement action being undertaken against all vehicles as it is anticipated that drivers will adapt their driving habits quickly to comply with the rules. Drivers will become aware of potentially receiving a PCN, as the council will issue warning notices for 6 months on the first occasion.

Preferred option for delivery

21. As part of the commission, existing data was obtained from London borough councils that operate similar schemes to provide context around the data from the Hereford surveys. Consideration has been given to the range of options available for MTE, as set out in appendix 1.
22. As part of the agreed capital funding programme, £100k has been allocated towards this project, with delegated spending authority already provided in a [previous decision](#). The

business case indicates that a scheme within the agreed budget of £100k could be delivered and the income generation will off-set the service costs. Whilst this report focuses on the implementation of the project within the agreed allocation of £100k (Phase 1), the business case also confirms that a larger scheme would be viable and would provide greater enforcement capability. It is therefore anticipated that a further capital funding bid (invest to save) will be submitted in July 2022 to the council's capital programme with a view to expanding the scope of the MTE scheme during 2023/24 (Phase 2).

23. As part of phase one, the business case has determined that the most effective deployment of cameras within the available budget is by deploying two fixed camera sites as detailed. This is further explained in the business case appended to this report with a summary in the table below.

Location	Restriction	Anticipated benefits of enforcement
Commercial Square (o/s The Kerry), Hereford	Yellow box junction	A major strategic intersection in the city centre which is regularly congested by traffic, which as a result also impacts air quality and accessibility by cyclists. By ensuring the box remains clear from drivers is a priority to enable free flowing traffic to pass through the junction, and holding traffic at established light sequences to allow gaps for alternating junction movements.
East Street, Hereford	No entry except for access	A small narrow street accessed only by the city centre is regularly used by many to cut through from one sector to another despite the existing no access restriction. Enforcement will reduce these numbers to improve accessibility in Church Street for those crossing the road, and improve air quality as cars are directed in the correct manner around the centre. This will also reduce vehicle movements over the Old Bridge and into the Broad Street area by ensuring that the through route is managed.

24. Phase two of the implementation will depend on allocation of further funds, where a capital bid will be considered by full council for the 2023/24 budget. Should that further funding be allocated then phase two could include procurement of a further 6 fixed camera sites, and a mobile camera vehicle to cover school parking enforcement, and the remaining MTE sites.
25. The procurement of equipment / installation required for phase 1 will be subject to the council's Contractual Procedure Rules where a full tender process will be undertaken prior to the placing of orders. Subject to successful allocation of further capital, a mobile camera vehicle and additional fixed sites will be implemented as part of phase two, as set out, which will be subject to a further delegated decision (recommendation c), and a separate tender process.

Service delivery model

26. Camera systems will be monitored by trained civil enforcement officers in order to determine contraventions and issue enforcement notices, where any appeals received by drivers will be assessed against agreed guidance to maintain consistency in council decision making.
27. Where it is agreed that any part of the service is to be externally provided then this will be subject to the council's Contract Procedure Rules.

Community impact

28. Improving active travel measures in the county, such as cycling and walking, is a key priority outlined in the [County Plan 2020 – 2024](#). By enforcing existing traffic restrictions this will seek to make travel more pleasant for cyclists and walkers, and promote a safer road environment.
29. Parking outside the county's schools has been identified by the public during the consultation as a key concern, with 43% of those that have responded stating that they have experienced issues with illegal parking on yellow no stopping zig-zags. The benefit of a fixed or mobile camera at these locations to provide enforcement is that drivers will not be able to avoid action by driving away as they do currently with Civil Enforcement Officers that patrol.
30. The consultation highlights that 61% of respondents undertook school trips by car, with 31% walking. 64% of those that walk said that they experienced illegal parking in the past, with 44% saying that this had made them consider not walking the next time.
31. Air quality is also identified in the County Plan as an environmental priority where enforcement of existing restrictions such as yellow box junctions will assist the flow of traffic to reduce vehicles dwell time when waiting in traffic.
32. The continuous rat-running in East Street has a detrimental impact on the Cathedral Quarter of Hereford. Existing traffic measures should restrain vehicle traffic movement in this area by restricting any through route from the A49. However, due to lack of effective enforcement a very large number of vehicles enter this central part of the city in order to travel through and across the city rather than using main roads.
33. The effective enforcement at East Street will ensure that this entire section of the city is then only travelled into by car when drivers legitimately need to access the businesses in that area and as a result it is expected that the numbers of car movements through the core centre will drop significantly.

Environmental Impact

34. The improvement of air quality is central to this proposal, where the expected outcome arising from the improvement of traffic enforcement is a better flow of traffic at peak times so that the county roads can continue to cope with peaks in demands.
35. It is also strategically important to the council that use of bus services is viewed by residents as a realistic and convenient alternative to the private car. Where buses are delayed due to congestion and junction blocking then this adversely affects the take up of such public transport options.
36. Vulnerable road users, such as cyclists and those that walk, must be able to use the county's roads feeling that they can do safely. Importantly this includes road activity around schools when residents take children to or from the area. Where there are those ignoring traffic and parking restrictions in pedestrian areas, around schools or generally on the roads then this can create serious risks for these user groups. Once these risks are established then the numbers willing to cycle or walk will plateau, or even decline.
37. The development of this project has sought to minimise any adverse environmental impact and will actively seek opportunities to improve and enhance environmental performance on the road network both directly or strategically. The deployment of camera infrastructure to the highway network will be undertaken so as to minimise any environmental impact with any due consideration given to installations in and around conservation areas.

Equality duty

38. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

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

39. The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine 'protected characteristics' (age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation). In particular, the council must have 'due regard' to the public sector equality duty when taking any decisions on service changes.

40. There is some potential for negative impact on protected groups arising from enforcement action being taken against existing restrictions where driving habits are well established, particularly by older people. The mitigation is set out in the appendix.

41. A detrimental impact on vulnerable groups that may experience debt are also highlighted, where for socio-economic reasons or disability the ability to pay debts is affected. Some debts may arise from enforcement action that is taken by the imposition of a Penalty Charge Notice.

42. All drivers are expected to carry a valid driving licence, and foreign speaking drivers should take time to understand the rules of the UK roads. The council is not seeking to do anything different to what is prescribed in traffic laws, only to provide enforcement of it.

43. An Equality Impact Assessment has been undertaken, and the mitigation against potential negative impacts is set out in Appendix 6.

Resource implications

44. This scheme is identified in the council's adopted 3 year Medium Term Financial Strategy (MTFS) savings proposals as S10 that it will generate surplus income of £59k annually from 2023/24 (see details [here](#)), with £34k coming in 2022/23.

45. Following the detailed business case, the anticipated phase 1 scheme will actually provide a surplus income to the council of £104k annually. However, a statutory requirement, introduced into these schemes by the UK Government, is to issue warning notices to drivers for 6 months, therefore the 2022/23 savings income will now be delayed, and this will affect the first full year of income.

46. Phase two will be subject to further capital funding being allocated as part of the 2023/24 budget setting process, and has an estimated cost of £291k.

47. In order to deliver the service a revenue budget of £136k will need to be established which includes staff costs, maintenance, legal processing and other contractual elements and this

does not include a 20% risk factor, or 12k capital repayment charges. These costs are off-set by PCN income where the scheme is forecast to generate £252k annually.

Revenue - Income / Expenditure (phase 1)	2023/24	2024/25	2025/26	Future Years	Total
	£000	£000	£000	£000	£000
<i>Repayment cost of capital borrowing</i>	12	12	12	12	12
<i>Operating costs of service</i>					
- <i>Staff</i>					
- <i>Equipment</i>	66	136	136	136	136
- <i>Maintenance</i>					
- <i>Legal processing costs</i>					
<i>Anticipated income from PCNs</i>					
- <i>Less cancellation by write off or challenge</i>	-120	-252	-252	-252	-252
- <i>6 month warning notice period</i>					
TOTAL	-42	-104	-104	-104	-104

48. The operating costs and income reflected in the table above have been calculated based on the expected level of contravention as a result of the surveys and background research. However, it is important to note that the income levels may differ, and as some of the revenue costs are determined based on the expected level of contravention then these would also reduce / increase as required; the table below demonstrates the sensitivity between the operating costs.

	(-20%)	(-10%)	(Model)	(+10%)	(+20%)
	£000	£000	£000	£000	£000
<i>Income from PCNs</i>	-202	-227	-252	-277	-302
<i>Variable costs – dependant on number of contraventions (staff, legal process)</i>	88	100	110	121	132
<i>Fixed costs (camera equipment, maintenance, capital repayment)</i>	38	38	38	38	38
TOTAL	-76	-90	-104	-118	-132

49. Previous decisions relating to the allocation of capital expenditure towards the phase 1 scheme have been taken, where the capital will be repaid using funding identified from this new PCN income. Site studies have informed the detailed design of the phase one scheme and this is costed at £100k and will be subject to a full procurement process to include purchase of camera equipment and any require signage upgrades required.
50. The capital programme includes delivery of this scheme as follows with repayments reflected in the fixed revenue costs above.

Capital Expenditure (phase 1)	2022/23	2023/24	2024/25	Future Years	Total
	£000	£000	£000	£000	£000
<i>Supply and installation of cameras Rectification of highway, signage updates.</i>	100	0	0	0	0
TOTAL	100	0	0	0	0

Legal implications

51. The Government has consolidated the existing civil enforcement regimes for bus lane contraventions together with parking contraventions under Part 6 of the Traffic Management Act 2004 that is now available to local authorities outside London. This will allow a cohesive civil enforcement regime and promote more efficient regime administration.
52. The Council may adopt moving traffic enforcement powers under Part 6 TMA 2004, currently enforced by the Police.
53. In order for the Council to exercise the powers under Part 6 TMA 2004 it must first apply to the Department of Transport for a Designation Order under Schedule 8 TMA 2004 and follow the procedure already set out at paragraphs 10 to 15 under Key Considerations above, the full advice from the Department for Transport is set out below:

“The legal process for applying for Designation of Civil Enforcement Area for Moving Traffic Contraventions

Schedule 8 to the 2004 Act specifies that only local authorities with existing civil parking enforcement powers may be granted moving traffic enforcement powers. The area covered by a moving traffic Designation Order may only be within, or co-extensive with, the geographic area already designated as a civil enforcement area for parking contraventions. Before making a Designation Order, the Secretary of State must consult the relevant Chief Officer of Police.

Applications may be made for the whole, or part of, a local authority civil parking enforcement area by a county council, a unitary authority or an individual metropolitan district council (although applicant authorities are encouraged to apply for the powers to cover their whole civil parking enforcement area). Applications may also be made by two or more metropolitan district councils acting jointly, in which case the moving traffic enforcement powers must apply to the whole of their civil parking enforcement areas. It is sufficient to formally apply for designation of the moving traffic enforcement powers by means of a letter to the Secretary of State, signed by the Chief Executive or other senior officer as the local authority deems appropriate. A suggested template application letter, linked below, has been developed which we encourage applicant authorities to use:

Any letter the applicant authority chooses to use will need to state:

- a. The full name of the authority applying and the type of authority (a county council, a unitary authority, a metropolitan district council or two or more metropolitan district councils acting jointly);
- b. The area to be designated; and
- c. Any roads to be excluded (not applicable to metropolitan district councils acting jointly).

The letter will also need to confirm that it has been sent with the authority of the Council, and that the Council has already:

- a) Consulted 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 (rather than whether people agree with the principle of moving traffic enforcement), including the types of restrictions to be enforced and the location(s) in question. This is intended to communicate the rationale for, and benefits of, moving traffic enforcement to residents and businesses, and allow them the opportunity to raise any concerns. There is no requirement for newspaper advertising. Local authorities should consider the full range of media available to them when communicating with the public. They should consider telling every household in the CEA when they propose changes - for example, to the operation of a scheme.
- 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 TROs, where applicable, and indicated by lawful traffic signs and road markings. Local authorities are not required to audit all their TROs and traffic signs; but instead those that are directly related to the moving traffic restrictions to be enforced;
- f) Ensured all the relevant equipment has been certified by the Vehicle Certification Agency (VCA) specifically for moving traffic contraventions.

When applying for designation of the moving traffic enforcement powers, Chief Executives (or other appropriate senior officer) will also be required to undertake to carry out all of the steps set out in a-f above in respect of any new camera locations in the future. However, once local authorities outside London have designated moving traffic enforcement powers, it will not be necessary to seek further approval from the Secretary of State for additional enforcement locations or restriction type.

As part of ensuring that TROs and traffic signs are accurate and lawful, applicant local authorities are encouraged to identify and remove any traffic signs at the enforcement site that are either obsolete or no longer necessary, whether or not relating directly to the restriction being enforced. This will reduce sign clutter, and aid effective enforcement by ensuring drivers are presented with clear information in an uncluttered environment. Applicant local authorities are encouraged to confer with neighbouring authorities and, where relevant, combined authorities as it is important that road users benefit from a consistent approach to moving traffic enforcement.

Schedule 7 to the 2004 Act does not prescribe the list of traffic signs subject to moving traffic enforcements on a selective basis, therefore all the prescribed traffic signs listed at Annex will apply under the Designation Order. Local authorities are not required to enforce every sign or marking; instead, enforcement should only be used to target problem locations. At any location where it is considered that contraventions could be avoided by reasonable improvements to the highway or to traffic signing, such improvements should be made, and appropriate monitoring carried out before enforcement action is considered.

Signing improvements may include removal of redundant or poorly maintained signs and posts, which have the potential to confuse drivers. Local authorities are therefore encouraged to review their traffic signing at the camera enforcement locations in

accordance with the 'Golden Rules' as set out in [Chapter One](#) of the Traffic Signs Manual.”

54. The scheme conforms to the Herefordshire Council Local Transport Plan 2016 – 2031 Policy and contributes to the County Plan 2020-2024 encouraging active travel and supporting the local economy and growth.
55. The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 and The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022 have provided for civil enforcement of parking contraventions in England, and bus lane contraventions and moving traffic contraventions, in England but outside Greater London, that are defined together as “relevant road traffic contraventions” in accordance with Part 6 of the Traffic Management Act 2004.
56. Under Part 2 of Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022/71, councils may impose a Penalty Charge Notice on the registered keeper of a vehicle that has been detected by an “approved device”, and that owner become liable for the charge determined by the regulations. Under Part 2 of Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022, the driver has the right to make a representation to the council if they believe that the PCN should not be payable and where they contest the council’s decision they can have the case heard by an independent adjudicator. This mirrors the Civil Parking Enforcement process that currently operates in England and Wales.

Use of Cameras (CCTV)

57. The deployment of CCTV in a public space is monitored by [The Biometrics and Surveillance Camera Commissioner](#) with the Information Commissioners Office (ICO) being responsible for the enforcement of The UK General Data Protection Regulations (UK-GDPR).
58. The requirements are that signage must be provided to inform members of the public that their image may be captured when entering an area where cameras are deployed. Data protection procedures will need to be established in order to protect any personal data that may be obtained, with processes in place for checking compliance of equipment and the camera operators.
59. A Data Privacy Impact Assessment must be undertaken prior to any cameras being installed, and privacy notice published must be prior to the commencement of enforcement which sets out how data is used and processed.

Enforcement policy

60. As part of the Statutory Guidance to Local Authorities to provide civil enforcement, councils are expected to formulate and publish enforcement policies in relation to the application of any Penalty Charge Notice, and how any appeals in respect of these PCNs are handled.
61. These documents are provided at Appendix 2, where the councils overarching Enforcement and Prosecution Policy will be amended to contain these as supplements.

Risk management

Risk / opportunity	Mitigation
<p>Resources If powers are transferred to the council prior to resources / infrastructure being in place then the council will have the responsibility for enforcement and no capability to resolve issues.</p>	<p>As part of recommendation (b) powers will only be applied for once service delivery approach is established.</p>
<p>Legal A non-compliance issue arises as part of the TRO / site audits.</p>	<p>As part of recommendation (b) powers will only be applied for once service delivery approach is established this will include receipt of specialised technical advice.</p>
<p>Project Delay due to DfT application taking longer than expected.</p>	<p>This is an accepted risk as the council is unable to influence the parliamentary process. Funds will not be committed in advance of powers being granted.</p>

62. All risks will be managed by the service and the Programme Management Office (PMO).

Consultees

Full Public Consultation 3 March to 15 April 2022

63. A full analysis can be found at Appendix 5
64. A full public consultation has been undertaken for six weeks, as required, where this was published to the council's news items and social media. During the consultation 176 responses were received where a majority of 51% were in support of camera enforcement, with 43% opposed to it. Further analysis shows that the support increases among those that walk and cycle to 54%.
65. Of the drivers surveyed 92% stated that they had experienced delays in their journeys due to congestion and 40% said that this was due to others blocking yellow box junctions. 49% of drivers have also observed others making other banned movements such as driving the wrong way in a one way street or contravening a no entry. A significant amount (48%) of those that walk and cycle also stated that they had observed drivers making banned movements, and 33% of these said that they have considered not walking and cycle the next time.
66. 26% of respondents stated that they take children to school, and 64% of these do this by car, where 31% walked. 38% of those driving children to school had observed illegal / dangerous parking on zig-zags, whereas 64% of those walking had observed this. Respondents also reported being put off walking/cycling due to the dangerous parking at schools (27% of drivers and 44% of walkers).
67. Of all of the locations consulted on for enforcement schools are a priority for the public with 43% stating they had personally experienced problems. Similar issues are identified in the Hereford central route between Commercial Road, Blueschool Street and A49 where between 27% to 43% of respondents have experienced issues. Fewer problems were reported in the rural areas which is expected due to lower traffic flows.

68. 67 supplementary comments have been received by members of the public and parish councils, these are provided in full at Appendix 4 with an officer response to each.

Political Groups Consultation

69. A recorded briefing session was held on 1 July 2022 for all ward members, a full copy of that session is available to the decision maker for review where members shared comments. The below are summarised from that session:

Cllr James

Concern raised regarding large numbers of motorists that may receive a PCN and the public acceptance of the scheme. There is different traffic flowing in the county to that in London.

Cllr Norman

Broadly supportive of the scheme, though a review of the current road layout and restriction should take place prior to enforcement.

Cllr Rone

Safety should be a key consideration when selecting locations to carry out enforcement. Enforcement principles against busses needs to be clarified as it may not be clear, and the bus may not be able to travel through a yellow box. Traffic light sequences could be reviewed to ensure that these work. School enforcement be the first grouping of restrictions to enforce so that public acceptance can be gained early on.

Cllr Milln

Other streets, such as the Mill Street one way, should be included at a later date. Infrastructure arrangements could be placed to prevent rat-running on East Street, such as blocking the exit with a planter at the junction of Offa Street.

Cllr Lester

The road layouts need to be audited before enforcement, so that genuine drivers, that do not intend to breach the rules, do not get caught out.

Cllr Shaw

It is worth getting advice from councils that already operate this type of enforcement. Oversized vehicles cause issues in town centres where they breach rules.

Cllr Summers

Gaining an understanding of the numbers likely to appeal and have their PCN cancelled is important.

Cllr Stark

More enforcement around the new hierarchy of road user (walking, cycling, car) is required.

Councillor Milln, Central Ward (comments via email)

Councillor Milln is supportive of Herefordshire Council taking on powers to enforce minor moving traffic offences. Motorists who fail to abide by the rules of the road when driving are committing offences which are antisocial at best and at worst may ultimately lead to loss of life. Most of us obey the rules for this reason and it is a source of irritation, which my constituents frequently relate to me, that there are some who habitually don't. Enforcement of these rules is about public safety and it is about encouraging people to make wiser travel choices where they can, especially in urban areas where there are good public transport and active travel alternatives. Enforcement is not, nor should ever be, about revenue generation for its own sake and any revenue which is generated should go back to making our roads, streets and pavements safer and our urban areas more liveable places.

Appendices

- Appendix 1 – Full business case and survey analysis for Moving Traffic Enforcement
- Appendix 2 – Supplementary Parking and Moving Traffic Enforcement Policy
- Appendix 3 – Application for MTE powers
- Appendix 4 - Public Consultation Summary of Comments Received and Officer Response
- Appendix 5 - Public Consultation Analysis

Background papers

None identified.

Report Reviewers Used for appraising this report:

Governance	John Coleman	Date 23/06/2022
Finance	Kate James	Date 30/06/2022
Legal	Ingrid Lekaj	Date 22/06/2022 ; 12/07/2022
Communications	Luenne featherstone	Date 28/06/2022
Equality Duty	Carol Trachonitis	Date 16/06/2022
Procurement	Lee Robertson	Date 16/06/2022
Risk	Kevin Lloyd	Date 20/06/2022
Approved by	Ross Cook	Date 04/07/2022

[Note: Please remember to overtype or delete the guidance highlighted in grey]

Please include a glossary of terms, abbreviations and acronyms used in this report.