

## **CABINET**

**18 OCTOBER 2022**

### **ENFORCING MOVING TRAFFIC OFFENCES IN MEDWAY**

Portfolio Holder: Councillor Phil Filmer, Portfolio Holder for Frontline Services

Report from: Richard Hicks, Director of Place & Deputy Chief Executive

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#### **Summary**

This report explains recent changes to Part 6 of the Traffic Management Act and seeks approval to apply to the Secretary of State for civil powers to enforce moving traffic offences in Medway.

#### **1. Budget and policy framework**

- 1.1. The content of this report supports the Council priority of maximising regeneration and economic growth by tackling congestion hotspots. It also aligns with Medway's Local Transport Plan priority of a reliable and efficient local transport network.

#### **2. Background**

- 2.1. Local Highway Authorities outside of London with civil parking enforcement powers are now able to apply to the Secretary of State for powers to enforce moving traffic offences under Part 6 of the Traffic Management Act 2004. This brings the rest of the country in line with London, where local boroughs can use video analytics and automatic number plate recognition (ANPR) cameras to identify offences and issue Penalty Charge Notices to drivers committing moving traffic contraventions. These contraventions include driving through a 'No Entry' sign, turning left or right when instructed not to do so, entering yellow box junctions when the exit is not clear, driving where and when motor vehicles are prohibited, and going the wrong way in a one-way street.
- 2.2. With these new powers in place, contraventions would be subject to dual enforcement activity by the Police and the local Highway Authority. All the prescribed traffic signs and road markings would be eligible for enforcement under the Designation Order. These are shown in appendix A.

- 2.3. Local Authorities will not be duty-bound to enforce every sign or marking and are encouraged to consider whether some contraventions could be avoided by reasonable improvements to the highway or to traffic signing. It is advised that enforcement should be transparent, accountable, proportionate, and consistent, and should be targeted at problem locations where action is needed.
- 2.4. These new powers would not include traffic speed enforcement, which remains with the Police. The Council is already able to enforce parking restrictions, including zig-zag markings outside schools, and the use of bus lanes.
- 2.5. The Council would apply to the Secretary of State by way of a letter signed by the Chief Executive. The Designation Order would apply to the whole of Medway, with the start date for civil enforcement dependent upon the parliamentary timeline. The Department for Transport (DfT) will make Designation Orders for enforcement powers in tranches and expects to lay a tranche of Orders in late 2022, which would allow enforcement powers to take effect during 2023. The Government requires Local Highway Authorities to issue warning notices for first time offences for a period of six months following the 'go live' date.
- 2.6. To support the application and make sure local authorities progress and implement the new powers in a timely manner, the DfT requests that a first tranche of specific sites for enforcement be identified to ensure the order is used. Following consideration by the Council's Traffic Management and Road Safety Engineers, and in liaison with the Portfolio Holder for Frontline Services, the locations listed below were identified. These locations are subject to existing restrictions that can be enforced by the Police currently, and no new restrictions are proposed.
  - **Gillingham High Street** - enforce no motor vehicles restriction (multiple access points). Primary objective: improve pedestrian safety (risk reduction)
  - **Rochester High Street** - enforce no motor vehicles restriction on Saturdays. Primary objective: improve pedestrian safety (risk reduction)
  - **Rock Avenue junction with A2, Rainham** - enforce yellow box restrictions. Primary objective: tackle network congestion.
  - **A2 Watling Street, Gillingham** - enforce yellow box restrictions at the junctions with Ash Tree Lane and Canterbury Street. Primary objective: tackle network congestion
  - **A2 High Street, Rainham** - enforce right turn ban to Orchard Street. Primary objective: tackle network congestion
  - **Gibraltar Hill junction with A230 Maidstone Road** - enforce yellow box restriction. Primary objective: tackle network congestion
  - **Cuxton Road, High Street junction with Gun Lane, Strood** – enforce yellow box and other access restrictions. Primary objective: tackle network congestion
  - **Whittaker Street/High Street, Chatham, including junction with the Brook** – enforce pedestrian zone/no entry restrictions. Primary objective: improve pedestrian safety (risk reduction)

### 3. Options

The following options are available to the Cabinet:

- 3.1. Option 1: to support, in principle, the civil enforcement of moving traffic offences across Medway and an application to Government for enforcement powers. Officers will prepare a business case for the scheme for Cabinet to consider at a future meeting. **This is the recommended option.**
- 3.2. Option 2: to support, in principle, the civil enforcement of moving traffic offences across Medway but delay the submission of an application to the DfT until the business case for the scheme has been agreed. This option would likely delay consideration of the Council's application by Government until 2023, resulting in a later implementation date.
- 3.3. Option 3: to not support the civil enforcement of moving traffic offences across Medway and decline the invitation to apply to Government for enforcement powers at the present time. This option would mean that the enforcement of moving traffic offences remains with the Police.

### 4. Advice and analysis

- 4.1. The civil enforcement of moving traffic contraventions, alongside existing enforcement by the Police, would help the Council to manage the road network and improve safety and traffic flow at specific locations and along key corridors. It would support the Council priority of maximising regeneration and economic growth by tackling congestion hotspots to enable visitors, residents, and businesses to move around Medway easily. It also aligns with Medway's Local Transport Plan priority of a reliable and efficient local transport network.
- 4.2. This report only seeks approval to apply to the Secretary of State for the powers to enforce moving traffic offences. At this stage, positive impacts are identified in terms of reducing congestion, promoting active and public transport travel, improving air quality, and supporting local transport policies. The initial locations set out in paragraph 2.6 of this report would be enforced against the existing Traffic Regulation Orders and any exemptions for those with a right of access would not change. On this basis there are not considered to be any new implications for protected characteristic groups under the Equalities Act 2010. A Diversity Impact Assessment is included at appendix B.

### 5. Risk management

- 5.1. The risks associated with the operational aspects of the scheme will be detailed in a future Cabinet report that presents a business case for the scheme.
- 5.2. There is a risk that, following technical assessments or business case analysis, one or more of the initial sites identified for camera enforcement and subject to consultation does not proceed. The impact on the application

process is considered low: the DfT requires the submission of an initial tranche of sites as a 'statement of intent' and there is no obligation on the Council to proceed with camera enforcement at these specific locations. Any agreed changes to the list of initial sites would be subject to further stakeholder engagement.

## 6. Consultation

- 6.1. The application to the Secretary of State must confirm that the Council has consulted the appropriate Chief Officer of Police and carried out a public consultation on the detail of planned civil enforcement of moving traffic contraventions, including the types of restrictions to be enforced and the locations in question. The Council is not required to seek views from the public on whether they agree with the principle of enforcing moving traffic offences. The purpose of the consultation is to communicate the rationale for, and benefits of, moving traffic enforcement to residents and businesses, and allow them the opportunity to raise any concerns.
- 6.2. The District Commander for Medway was consulted in June 2022 and advised that there were no objections from the Police to the proposal for civil enforcement of moving traffic offences.
- 6.3. The public consultation took place for six weeks in June and July and generated 239 responses. The Consultation Report is included at appendix C. A summary of the findings is as follows:
  - 82% of respondents felt it was important/very important for Medway Council to help improve safety on the roads in Medway
  - 81% of respondents felt it was important/very important for Medway Council to help tackle congestion on the roads in Medway
  - 56% of respondents agree with plans to apply moving traffic enforcement powers on the roads in Medway
  - 78% of respondents agree with plans to enforce 'no motor vehicles' restrictions on Gillingham High Street to improve pedestrian safety
  - 76% of respondents agree with plans to enforce the no 'motor vehicles restriction' on Rochester High Street on Saturdays to improve pedestrian safety
  - 74% of respondents agree with plans to enforce the right turn ban to Orchard Street from the A2 High Street Rainham to tackle congestion on Medway's roads
  - 60% of respondents agree with plans to enforce the yellow box restriction at the junction of Rock Avenue and the A2 to tackle congestion on Medway's roads
  - 58% of respondents agree with plans to enforce the yellow box restriction at the A2 Watling Street, Gillingham at the junction with Ash Tree Lane and Canterbury Street to tackle congestion on Medway's roads
  - 57% of respondents agree plans to enter the yellow box restriction at the Gibraltar Hill junction with A230 Maidstone Road to tackle congestion on Medway's roads

- 61% of respondents agree plans to enter the yellow box restriction at Cuxton Road, High Street junction with Gun Lane, Strood to tackle congestion on Medway's roads
  - 66% of respondents agree plans to enter the yellow box restriction at Whittaker Street/High Street, Chatham, including the junction with Brook to tackle congestion on Medway's roads
- 6.4. Where respondents indicated a lack of support for plans to enforce offences, the severity of the issues at the locations identified was questioned. Comments on proposals for Gillingham and Rochester High Streets raised issues around the impact on businesses and deliveries, preventing valid access, and access for vulnerable people and those with impaired mobility. Whilst these comments are noted, as set out in paragraph 4.2 of this report, it is proposed to only enforce existing restrictions and any exemptions specified in the Traffic Regulation Order would not change.
- 6.5. Comments on the proposed enforcement of restrictions at Whittaker Street/High Street, Chatham, including the junction with Brook, raised issues with the traffic light phasing/timings and expressed views that the junction was badly designed with the yellow boxes in the wrong location. These comments are noted and will be assessed in accordance with the information provided in paragraph 2.3 of this report.
- 6.6. Consultation feedback also included views on the principle of enforcement, whether enforcement powers would achieve the desired outcomes, suggestions for alternative options to improve traffic flow and safety, the potential uses of income from penalty charge notices and views on the prioritisation of other issues such as highway maintenance.
- ## 7. Climate change implications
- 7.1. [The Council declared a climate change emergency in April 2019](#) - item 1038D refers, and has set a target for Medway to become carbon neutral by 2050.
- 7.2. The civil enforcement of moving traffic offences would have a positive impact on air quality by improving traffic flow at locations where existing traffic volumes and congestion is high. It would also provide a safer environment for pedestrians, promoting active travel. These impacts would support the Council's Climate Change Action Plan.
- ## 8. Financial implications
- 8.1. There are no material financial implications to the Council arising from this report. The work required for the initial application and consultation will come from existing budgets. If the application is successful, the enforcement of moving traffic offences would incur capital and revenue expenditure. This would include the procurement and installation of cameras and the enforcement system and resources to provide back-office administration. The enforcement would also generate additional income from the issue of penalty charge notices. A business case for the operational aspects of the

enforcement will be prepared for approval separately, ahead of wider Council budget decisions for 2023/24.

## 9. Legal implications

- 9.1. Moving traffic enforcement powers are set out under Part 6 of the Traffic Management Act 2004. The Council will be required to ensure that all moving traffic restrictions to be enforced are underpinned by accurate Traffic Regulation Orders and indicated by lawful traffic signs and road markings.

## 10. Recommendation

- 10.1. The Cabinet is recommended to support the civil enforcement of moving traffic offences across Medway, as set out in option 1 at paragraph 3.1 of the report and agree to delegate authority to the Chief Executive to apply to Government for enforcement powers.

## 11. Suggested reasons for decision

- 11.1. To support the management of the road network in Medway and improve safety and traffic flow at specific locations and along key corridors, in accordance with Council policy and strategic objectives.

## Lead officer contact

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## Appendices

Appendix A: List of Traffic Signs Subject to Moving Traffic Enforcement  
Appendix B: Diversity Impact Assessment  
Appendix C: Consultation Report

## Background papers

None