

<b>Item No.</b> 6.1	<b>Classification:</b> Open	<b>Date:</b> 14.9.05	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Adoption of powers to deal with Moving Traffic Offences	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Environment & Leisure	

## RECOMMENDATIONS

1. That Council assembly adopts the powers contained within the London Local Authorities and Transport for London Act 2003 for the enforcement of moving traffic contraventions within the borough of Southwark, with effect from 27 February 2006.
2. That the powers contained within The London Local Authorities and Transport for London (TfL) Act 2003 be delegated to the Strategic Director of Environment and Leisure.

## BACKGROUND INFORMATION

3. The London Local Authorities and Transport for London Act (the Act) received royal assent on 30 October 2003. This act provides for a range of moving traffic offences to be decriminalised and the power of enforcement for these offences to be passed to London traffic authorities. The new powers will enable authorities to radically improve enforcement action against drivers who ignore traffic restrictions and thereby undermine the impact of casualty reduction and environmental traffic management schemes.
4. The Act provided for London Local Authorities to take over the enforcement of these offences from 1st April 2005 or on completion of a pilot in three Boroughs whichever was the latest. The Act provides for traffic authorities to retain the income from penalty charges and use that income to fund enforcement and improve and maintain the public highway. A list of the moving vehicle offences, that are to be decriminalized, together with the relevant traffic signs, is set out in Appendix B.
5. A number of London Local Authorities including London Borough of Camden, Newham and Ealing commenced a pilot of these powers in June 2004. A review of the pilot suggests that this type of enforcement has been enormously successful and has had a positive impact on reducing dangerous and illegal driving practices.
6. Up to and including March 2005, some 90,000 PCNs have been issued. On the data available, the proportion of PCNs being challenged via appeal is 0.7% of which approximately half are successful. One of the key purposes of the pilot was to test the legislation, both for its clarity and robustness and also to determine if signs, markings and camera operations need amendment. The only problem identified was with the markings of some of the yellow boxes which either needed amending to bring them in line with the requirements of

the regulations or needed special authorization for their use from the Department for Transport.

## **KEY ISSUES FOR CONSIDERATION**

7. The Council regularly receives complaints from the general public concerning dangerous driving and the issue of public safety on the roads of Southwark. Driving offences such as driving through 'no entry' signs and banned turns are typical examples.
8. The decriminalisation of these offences will allow Southwark to ensure that traffic orders regulating the movement of traffic can be adequately enforced. It has been a cause of concern for many years for Councillors, officers and residents that when schemes are introduced to manage traffic for safety and environmental reasons the objectives of such schemes are compromised by a lack of enforcement and the use of CCTV cameras to enforce various traffic offences is a key action within the Council's Road Safety Plan adopted in April 2005.
9. A traffic authority cannot choose which contraventions to enforce; they must take on responsibility for all the contraventions across the whole of the authority's area. A circular has been prepared by the ALG to provide advice and explain the steps which need to be taken by any authority wishing to take on enforcement of moving vehicle contraventions as empowered by the Act.
10. The Act requires that traffic authorities resolve to take on the powers to enforce and to appoint a day from which the Borough will take on the powers. Legal opinion during the pilot indicates that this needs to be a resolution of the full Council. The power to enforce under the Act may be delegated and it is proposed that this be delegated to the Director of Environment & Leisure.
11. If the Council adopts the powers contained in the Act, the scheme would be in operation by 27 February 2006. Implementation is dependent on consultation with the Metropolitan Police, TfL and the findings of a borough-wide survey on key sites for enforcement. Public Notice information must be given in the local and national press three months before the scheme is introduced. It is therefore proposed that the appointed day for adoption be 1 January 2006.
12. If the Council adopts the powers contained in the Act, the Head of Street Scene and Public Protection will establish a project team to include representatives from the Metropolitan Police, ALG and TfL. The project team will use information from a borough-wide survey that has already been completed to identify locations for enforcement that may be necessary. The Metropolitan Police will also be asked to provide details of previous enforcement history. In addition to coordinating camera location and installation the project team will look at the feasibility of using existing cameras, currently used for bus lane and parking enforcement. The project team will also commission condition reports regarding lighting and signage in relevant streets to ensure that all is adequate for the purposes of camera monitoring and enforcement.

## **Resource Implications**

13. Similar to other boroughs that wish to adopt the powers, Southwark also experienced delays in finalisation of the pilot scheme. As a result, the scheme

will only be in operation from March onwards. However, the proposed investment and technology will continue to generate surpluses for the forthcoming years, though these will gradually reduce as compliance takes effect. The surplus for the financial year 2006/7 is shown in the following table.

14. An initial purchase of 10 mobile CCTV cameras will be required to establish the project. There will be further set up costs of a consultant to procure, direct, and manage operations in the region of 40k plus overtime costs of £6k for an existing member of staff. This will be funded from the reserve of £304k that has been set aside for this project.
15. Additionally two Representation officers will be required to deal with representations and challenges to PCNs in year 2006/7. Full year costs of these officers are estimated as £46k per and in addition around £10k will be incurred for relocating cameras. These costs will be met from the revenue generated.
16. Based on a projected annual income of £480k, enforcement of moving traffic offences will generate the target surplus of £424k set for this project as part of the council's budget for 2006/7. It should be noted that the parking account is a ring fenced account. The Traffic Management Act 2004 requires that any additional surpluses produced from this account can only be used for improving and maintaining the public highway or other environmental improvements.

<b>Revenue Implications</b>	<b>2005/6 Set up costs (£k)</b>	<b>2006/07 Full year costs</b>
<b><u>Expenditure</u></b>		
Camera purchase and installation	258	
Staffing costs	46	46
Camera relocation		10
<b>Income</b>		
One -off payment from reserve	304	
Income from Penalty Charge Notices		480k
<b>Net Position</b>	<b>0</b>	<b>(424)</b>

### **Legal Implications**

17. The relevant statutory provisions are Road Traffic Regulation Act 1984 and Section 3 of the London Local Authorities and Transport for London Act 2003 which provide that
  - The resolution must be passed for adoption by a majority of the whole members of the Council Assembly for a range of moving traffic offences to be decriminalised and the power of enforcement for these offences to be passed to London highway authorities.
  - The new powers will enable the Council as highway authorities to radically

improve enforcement action against drivers who ignore traffic restrictions and thereby undermine the impact of casualty reduction and environmental traffic management schemes.

- The Act provides for London Local Authorities to take over the enforcement of these offences from 1st April 2005 at the earliest. The Act provides for highway authorities to retain the income from penalty charges and use that income to fund enforcement and improve and maintain the public highway.
- The enforcement by the Council will be by way of civil process and it will free up valuable Police resources to concentrate on other aspects of transport policing and fighting crime in general.
- There is a right of appeal for any motorist receiving a fine they feel unjust, to appeal against it as they would a parking ticket. For example request for a review and appeal can still be made to the internal Council Parking and Highways Controlled Department, if that fails further right of appeal can be made to an independent appeal adjudicator.

### **Supplementary Advice from Other Officers**

18. The Borough Solicitor confirms that all procedural statutory steps have been complied with.

### **Impact on the Community**

19. There are no equality issues associated with this report.

### **Consultation**

20. Public notice information must be advertised in the local press outlining the new enforcement regime. The Act requires this to be done three months prior to commencement of the scheme.
21. The Council's press and communications team will be actively involved in the project to ensure that the implementation of the scheme is widely publicised before commencement. It is also proposed to consult Community Councils on problem locations. As part of the scheme, a communications schedule will be implemented including circulation of information leaflets detailing the new enforcement regime; similar to the way bus lane enforcement was publicised in the borough. The establishment of a reporting 'hotline' through the customer service centre (CSC) will also be explored. Feedback on the success and positive impact of the scheme will also be promoted to the general public through both the Council's publication's unit and the internet.
22. In order to gauge the success of the enforcement measures compliance surveys will be done in the borough prior and post implementation.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
London Local Authorities and Transport for London Act 2003.	Streetscene and Public Protection Offices, 151 Walworth Rd, SE17	Nicky Costin ext. 52156.

## APPENDIX A

### Audit Trail


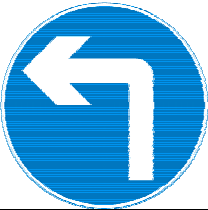



<b>Lead Officer</b>	Gill Davies, Strategic Director of Environment and Leisure		
<b>Report Author</b>	Nicky Costin, Business Unit Manager, Streetscene & Public Protection		
<b>Version</b>	Final		
<b>Dated</b>	26 August 2005		
<b>Key Decision?</b>	Yes		
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>			
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>	
Borough Solicitor & Secretary	Yes	Yes	
Chief Finance Officer	Yes	No	

## APPENDICES:-


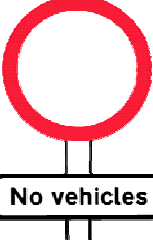




- Schedule of road traffic offences that are to be decriminalized as part of the London Local Authorities and Transport for London Act 2003.
- Timetable for Implementation.



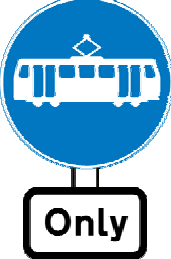

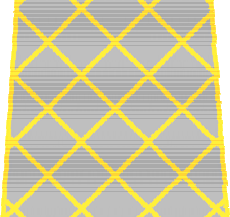
## Appendix B

### Schedule of Road Traffic Offences that are to be decriminalised as part of the London Local Authorities and Transport for London Act 2003

Description of traffic sign	Diagram number <sup>1</sup>	Sign
Vehicular traffic must proceed in the direction indicated by the arrow	606	
Vehicular traffic must turn ahead in the direction indicated by the arrow.	609	
Vehicular traffic must comply with the requirements prescribed in regulation 15.	610	
No right turn for vehicular traffic	612	
No left turn for vehicular traffic	613	(reverse of above)
No U turns for vehicular traffic	614	

<sup>1</sup> Diagram number for traffic sign in the Traffic Signs and General Directions 2002 (S.I. 2002 No. 3113)

Priority must be given to vehicles from the opposite direction	615, 615.1	
All Vehicles prohibited except non – mechanically propelled vehicles being pushed by pedestrians	617	
Entry to pedestrian zone restricted (Alternative types)	618.2	
Entry to and waiting in pedestrian zone restricted (Alternative types)	618.3	
Entry to and waiting in pedestrian zone restricted (Variable message sign)	618.3	
Motor vehicles prohibited	619	
Motor vehicles except solo motorcycles prohibited	619.1	
Solo motorcycles prohibited	619.2	
Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle symbol prohibited	622.1A	

One way traffic	652	
Route for use by buses and pedal cycles only	953	
Route for use by tramcars only	953.1	
Part of the Carriageway outside a school entrance where vehicles should not stop.	1027.1	
Marking Conveying the requirements prescribed in regulation 29(2) and Part II of Schedule 19 of the Traffic Signs Regulations and General Directions 2002	1043,1044	



## Appendix C

### TIMETABLE FOR IMPLEMENTATION

September 2005	<ul style="list-style-type: none"> <li>• Council approval given to adopt powers to enforce moving traffic contraventions as and when ALG approval is given</li> <li>• Ratification by Executive</li> </ul>
October 2005 October 2005 November 2005 November 2005 November 2005 December 2005	<ul style="list-style-type: none"> <li>• Appointment of Project Officer</li> <li>• Set up a Project Team</li> <li>• ALG approval given to take on powers from Metropolitan Police</li> <li>• Identification of hotspot areas through consultation with Metropolitan Police and identification of key sites for enforcement</li> <li>• Procurement of CCTV cameras (Mobile)</li> </ul> <p>Commissioning of light and condition report (signs and road markings)</p>
October / November 2005 October / November 2005 November/December 2005	<ul style="list-style-type: none"> <li>• Public Information Notice in local and national press (minimum 3 months)</li> <li>• Press release and promotion in Southwark Life and other publications</li> <li>• Set up hot line for residents and other customers</li> </ul>
February 2006	<ul style="list-style-type: none"> <li>• Implementation of Enforcement</li> </ul>