

GOVERNANCE COMMITTEE

14 OCTOBER 2014

Subject Heading:

Adoption of the London Local Authorities and Transport for London Act 2003 - ENFORCEMENT OF MOVING TRAFFIC CONTRAVENTIONS

Cabinet Member:

Councillor Robert Benham

CMT Lead:

Cynthia Griffin

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Policy context:

To introduce new enforcement measures to improve Traffic Flow & Road Safety

Financial summary:

Service is expected to be cost neutral however any surplus may be used as set down in Road Traffic Regulation Act 1984.

Is this a Key Decision?

No

The subject matter of this report deals with the following Council Objectives

| | |
|--|-------------------------------------|
| Ensuring a clean, safe and green borough | <input checked="" type="checkbox"/> |
| Championing education and learning for all | <input type="checkbox"/> |
| Providing economic, social and cultural activity In thriving towns and villages | <input type="checkbox"/> |
| Valuing and enhancing the lives of our residents | <input checked="" type="checkbox"/> |
| Delivering high customer satisfaction and a stable council tax | <input checked="" type="checkbox"/> |

SUMMARY

Moving Traffic Contraventions (MTCs) comprise a number of traffic regulations, including, but not limited to, banned right, left and U turns, no vehicle entry, yellow no stopping box junctions and vehicle type access restrictions

There are a limited number of locations in Havering where MTC enforcement could be applied, and it is considered that these locations would benefit from such enforcement in terms of improved driver behaviours, improved traffic flow and road safety.

The Council cannot enforce the relevant MTC unless it resolves to do so, such decision falling to full Council. This Committee is asked to consider whether or not to recommend adoption of the London Local Authorities and Transport for London Act 2003 (LLATFLA) provisions to Council. If

adopted there will be a need for consequential amendments to the Constitution. A further report to Cabinet is also anticipated once Council resolves to adopt the MTC provisions in relation to the operational aspects of enforcement.

RECOMMENDATIONS

That the Committee Agree

1. To **recommend to Council** to make a resolution to adopt enforcement of Moving Traffic Contraventions within the whole of Havering in accordance with the provisions as set out in the London Local Authorities and Transport for London Act 2003.
2. That under delegated authority, the Head of StreetCare publish the necessary notices to introduce the changes.
3. To note that a report will be submitted to Cabinet for it to determine the locations of CCTV cameras within the borough.

REPORT DETAIL

1. The Traffic Management Act 2004 places a duty on Local Authorities to ensure the free flow of traffic on the roads they manage and provides the process for issuing, processing and dealing with challenges related to Penalty Charge Notices (PCNs) issued for parking, bus lane and moving traffic contraventions. Moving Traffic Offences (MTC) however are enforceable by the Council pursuant to the LLATFLA.
2. A Council resolution is needed to adopt LLATFLA enforcement as this is a requirement under section 3 LLATFLA.
3. It is accepted practice that once the Council has passed a resolution to enforce the provisions of LLATFLA the introduction of MTC enforcement should be ratified by London Council's TEC (Transport and Environment Committee). Amendments will also be required to existing traffic management orders locally.
4. Subject to the resolution being granted, the adoption of the new enforcement powers will be advertised in a local newspaper, the London Gazette and other sources used for such purposes by the Council. The advert will be placed at least three months before the start date of the new powers to meet with the statutory requirements.
5. Signage must be placed at the entrance points to the borough and in key locations where the moving traffic and civil parking enforcement would take place to ensure all motorists are aware that camera enforcement is in operation. Alongside this process all locations will be checked to ensure there is a need for enforcement and all locations meet regulatory requirements for enforcement.

Moving Traffic Contraventions

6. Enforcing London's road signs has historically been the responsibility of the Police, however, it is often perceived as low policing priority which inhibits the local authority to properly manage traffic flow which in turn has a direct effect on road safety, the local environment and economy. The list of Moving Traffic Contraventions is detailed in Appendix A to this report.
7. Drivers whose vehicles are banned from using bus lanes and other restricted turns and areas of carriageway, but use them when prohibited, can cause accidents and delays leading to frustration and resentment among those drivers complying with the regulations
8. Buses are a central part of any public transport system and need to have bus lanes protected from misuse to make the bus journey more punctual and to reduce accidents to passengers. Enforcement of bus lanes may be undertaken by the Local Authority pursuant to the London Local Authorities Act 1996. These provisions however, do not need to be adopted by Council resolution and are already available subject to the consent of Transport for London (TfL).
9. Fair and consistent enforcement ensures that only those who contravene the regulations are penalised and drivers who are compliant have the benefit of a properly managed road network with improved traffic flow and reduced congestion will improve the local environment and economy.
10. CCTV is already used by the Council using Enforcement vehicles to issue PCNs to vehicles contravening parking regulations in accordance with regulations made under the Traffic Management Act 2004.
11. A number of London boroughs have already adopted the necessary powers to enforce MTCs, and their experience has shown the most effective means of evidenced collection is to use camera-based technology since the movement of the vehicle or the direction it has travelled needs to be captured as evidence and used to support the service of a PCN by post.
12. The Road Traffic Management Act 2004 sets down a robust statutory procedure that must be followed at each stage of the penalty charge notice, from issue, collection, and provides a robust process to challenge the issue of a PCN which includes the right of appeal to an independent adjudicator at the Parking and Traffic Appeals service. (PaTAS).
13. It should be noted that whilst the Council must adopt the powers to take on responsibility for enforcement of all the contraventions as detailed in **Appendix A** the operational management of when and where to enforce will be at the discretion of the Council and subject to further Cabinet report for Members to consider.

IMPLICATIONS AND RISKS

Financial implications and risks:

Income derived from the issue of PCNs is expected to cover the cost of enforcement and any surplus may be used for parking and highway provision to the benefit of local residents and businesses.

If there is any delay in receiving consent from London Councils the project may be delayed.

As part of the Council's budget proposals, a number of parking initiatives are being considered and the introduction of MTCs is included within this package of proposals.

Legal implications and risks:

The full Council will need to agree a resolution to introduce MTC enforcement by virtue of section 3 LLATFLA, before being submitted to London Councils TEC (Transport and Environment Committee) for ratification.

Changes to Traffic Management Orders are required including statutory consultation and public notices.

Human Resources implications and risks:

There may be some need to review working practices and contracts of enforcement staff, which will be dealt with through normal consultation processes.

Equalities implications and risks:

EIA attached.









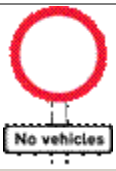


BACKGROUND PAPERS

London Councils Approval to Commence MTC Enforcement guidance notes.










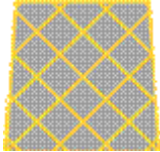
London Borough of Havering Financial Strategy 24/09/2014

London Borough of Havering Parking Strategy 2014

Moving Traffic Contraventions

| Sign | Contravention |
|---|---|
|  | Vehicular traffic must proceed in the direction indicated by the arrow |
|  | Vehicular traffic must turn ahead in the direction indicated by the arrow |
|  | Vehicular traffic must comply with the requirements prescribed in regulation 15 |
|  | No right turn for vehicular traffic |
|  | No left turn for vehicular traffic |
|  | No U turns for vehicular traffic |
|  | Priority must be given to vehicles from the opposite direction |
|  | No entry for vehicular traffic N.B. There is a condition attached to this sign which means that it is only included in this list when it indicates a restriction or prohibition which may also be indicated by another sign in the list. |
|  | All Vehicles prohibited except non – mechanically propelled vehicles being pushed by pedestrians |
|  | Entry to pedestrian zone restricted (Alternative types) |
|  | Entry to and waiting in pedestrian zone restricted (Alternative types) |

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|---|---|
|  | Entry to and waiting in pedestrian zone restricted (Variable message sign) |
|  | Motor vehicles prohibited |
|  | Motor vehicles except solo motorcycles prohibited |
|  | Solo motorcycles prohibited |
|  | Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle symbol prohibited |
|  | One way traffic |
|  | Route for use by buses and pedal cycles only |
|  | Route for use by tramcars only |
|  | Part of the carriageway outside a school entrance where vehicles should not stop |
|  | Marking conveying the requirements prescribed in regulation 29(2) and Part II of Schedule 19 of the Traffic Signs Regulations and General Directions 2002 |