

Report to Council Executive on 5 July 2005

Report title : Decriminalisation of Moving Traffic Offences	
Report of: Director of Environmental Services	
Ward(s) affected : All	Report for: Key Decision
<p>1. Purpose: To seek approval to adopting the enforcement of the new Moving Traffic Offences under powers provided for in the London Local Authorities and Transport for London Act 2003 and to fix an Appointed Day for bringing those new powers into operation.</p>	
<p>2. Recommendations - That the Executive recommend to the Council:</p> <ul style="list-style-type: none"> (1) Adopt the enforcement of the new Moving Traffic Offences provided for in the London Local Authorities and Transport for London Act 2003 (2) Fix the 1st November 2005 as the Appointed Day for bringing those new powers into operation 	
Report authorised by: Anne Fisher, Director of Environmental Services	
<p>Contact officer: Ann Cunningham, Head of Parking</p> <p>Telephone: 020 8489 1355</p>	
<p>3. Executive summary</p> <p>3.1. This report sets out details of Moving Traffic Offences which have recently been decriminalised and the responsibility that will fall to the Council's Parking Service. The report seeks a Council resolution fixing the Appointed Day from which the council will bring into operation the powers provided under Section 4 of the London Local Authorities and Transport for London Act 2003.</p>	

4. Access to information:

Local Government (Access to Information) Act 1985 The following items were used in the preparation of this report:

- London Local Authority and Transport for London Act 2003
- Traffic Management Act 2004
- Association of London Government (Transport and Environment Committee) – Advisory Memorandums and reports

5.0 Background

5.1 The London Local Authorities and Transport for London 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 adopted by the London Highway Authorities. The new Traffic Management Act will become the main legislative framework governing those decriminalised offences once that Act is fully implemented.

5.2 The new powers will enable Highway Authorities to radically improve enforcement action against drivers who ignore traffic restrictions and who currently undermine the impact of road casualty reduction and environmental traffic management schemes.

5.3 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 if a surplus is generated.

5.4 Six London Boroughs were approached by the ALG to carry out a pilot exercise using the new powers. This pilot is now complete. The report published by the ALG is positive about the adoption of the new powers achieving the objectives of improved compliance, reduced congestion and delay, improved safety and more efficient enforcement costs.

6.0 The Implementation Strategy

6.1 Section 4 of the Act provides for the decriminalisation of moving vehicle offences related to contravention of a prescribed order or failing to comply with an indication given by a scheduled section 36 traffic sign. A list of the moving vehicle offences to be decriminalised, together with the relevant traffic signs, is given in Appendix A.

- 6.2 Guidance released to date suggests that a Highway Authority cannot choose which contraventions to enforce; they must take on responsibility for all the contraventions across the whole of the authority's area.
- 6.3 The Act requires the borough to make a resolution fixing an Appointed Day from which the authority will begin to bring into operation the powers under section 4 of the Act. Following such a resolution a notice must be placed in a local paper and the London Gazette informing the public of the chosen date. The date chosen must not be less than three months after the publication date of the notice.
- 6.4 It is therefore recommended that the Appointed Day for implementation of new powers under the London Local authorities and Transport for London Act 2003 in Haringey will be the 1st November 2005.
- 6.5 It is envisaged that the enforcement of the new offences will be carried out by the use of CCTV cameras. The Parking Service has leased two mobile enforcement units [Smart cars fully fitted with CCTV equipment] for enforcement and they will be used primarily for enforcement of the new offences once implemented.
- 6.6 The ALG Transport and Environment Committee have however asked that the pilot boroughs investigate the use of other enforcement methods. The result of this has not yet been published.

7.0 Benefits of the New Enforcement Arrangements

- 7.1 The Metropolitan Police service is currently responsible for enforcing these offences but because of demands on their resources; they cannot always provide the level of enforcement to ensure the success of safety and traffic management schemes. The transfer of the powers will reduce the demand on police resources and allow this authority to ensure that enforcement is provided at an appropriate level.
- 7.2 Improved enforcement should result in road safety schemes being more effective. This will deliver benefits in terms of reduced road casualties and a safer and better managed public environment.
- 7.3 The failure of many drivers to obey traffic signs, particularly road entry restrictions, undermines the effectiveness of environmental traffic management schemes and hinders the Council's ability to remove through traffic from residential areas. Better enforcement will improve the effectiveness of such schemes.
- 7.4 Improved enforcement of some offences, such as "yellow box" offences will assist with the reduction of traffic congestion and pollution.
- 7.5 The legislation creates a framework where the enhanced enforcement regime can be self-funding and any surplus can be applied to improvement and maintenance of the public highway.

8.0 Financial Implications

- 8.1 The income derived from penalty charges will provide sufficient revenue to ensure that the enforcement is self funding.
- 8.2 The cost of setting up the operation and purchasing the equipment required to begin enforcement will be met from existing budgets.

9.0 Recommendations

- 9.1 It is recommended that the Council adopts the enforcement of the new moving traffic offences and that the Appointed Day from which the Council will bring those new powers into operation will be 1st November 2005.

10.0 Equalities Comments

- 10.1 The Head of Equalities has been consulted in drafting this report and equalities issues have been taken into account in the report.

11.0 Comments of Director of Finance

- 11.1 Adoption of the new enforcement measures should assist in creating a framework to improve the free flow of traffic within the Borough, reducing congestion and delay and improving safety for road users. Any residual net revenue from enforcement will assist in achieving the parking account income target for 2005/06.

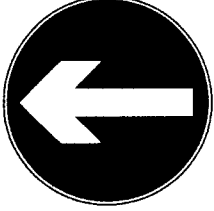
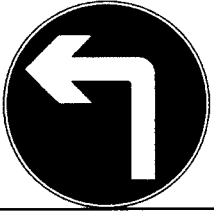
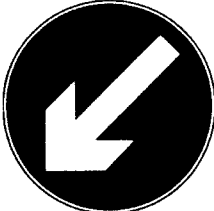
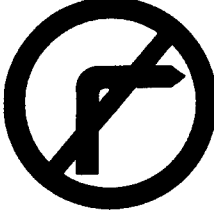

12.0 Comments of Head of Legal Services

- 12.1 Before setting the level of any penalty charge, under section 74 Road Traffic Act 1991 as applied by the London Local Authorities and Transport for London Act 2003, the Council shall consult such bodies as in its opinion are sufficiently representative of such road users as would be affected by the imposition of such charges.
- 12.2 The Traffic Management Act 2004 Part 6 includes powers providing a single framework to make regulations for the civil enforcement by local authorities of parking and waiting restrictions, bus lanes and some moving traffic offences. These regulations will replace existing powers in the London Local Authorities and Transport for London Act 2003. It will enable regulations to be made giving authorities outside London civil enforcement powers to cover some moving traffic offences (such as ignoring the rules at box junctions and banned turns) using camera evidence, and additional powers in respect of parking enforcement which already exist in London.
- 12.3 The Traffic Management Act 2004 makes provision for the repeal of the powers dealing with moving traffic offences in the London Local


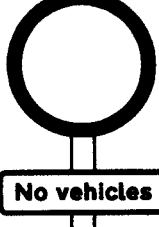



Authorities and Transport for London Act 2003. This repeal is at the time of writing however not yet in force.


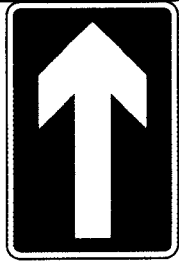
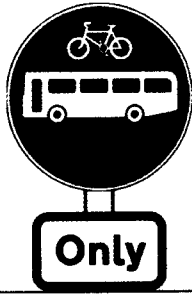
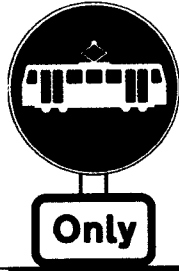

Appendix A

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 ¹	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	

¹ 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	

<p>Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle symbol prohibited</p>	<p>622.1A</p>	
<p>One way traffic</p>	<p>652</p>	
<p>Route for use by buses and pedal cycles only</p>	<p>953</p>	
<p>Route for use by tramcars only</p>	<p>953.1</p>	
<p>Part of the Carriageway outside a school entrance where vehicles should not stop.</p>	<p>1027.1</p>	
<p>Marking Conveying the requirements prescribed in regulation 29(2) and Part II of Schedule 19 of the Traffic Signs Regulations and General Directions 2002</p>	<p>1043,1044</p>	