

# MOVING TRAFFIC OFFENCES (MTOs) SPOTLIGHT REVIEW

## CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE, JULY 2022

### BACKGROUND

Previously, the monitoring and enforcement of Moving Traffic Offences fell under the remit of Devon and Cornwall Police. In light of the government allowing local authorities to apply for these powers from 31st May 2022, the CIRS Scrutiny Committee commissioned a Spotlight Review to decide whether or not Devon County Council should adopt these powers.

### THE SPOTLIGHT REVIEW

We invited the views of and attendance from a number of individuals and organisations, including Traffic for London (TfL) and Cardiff City Council, who manage their own MTOs; Devon and Cornwall Police; and the AA and the RAC. The Spotlight Review took place on 4th July 2022 where all the evidence was considered.

### WHAT IS A MOVING TRAFFIC OFFENCE?

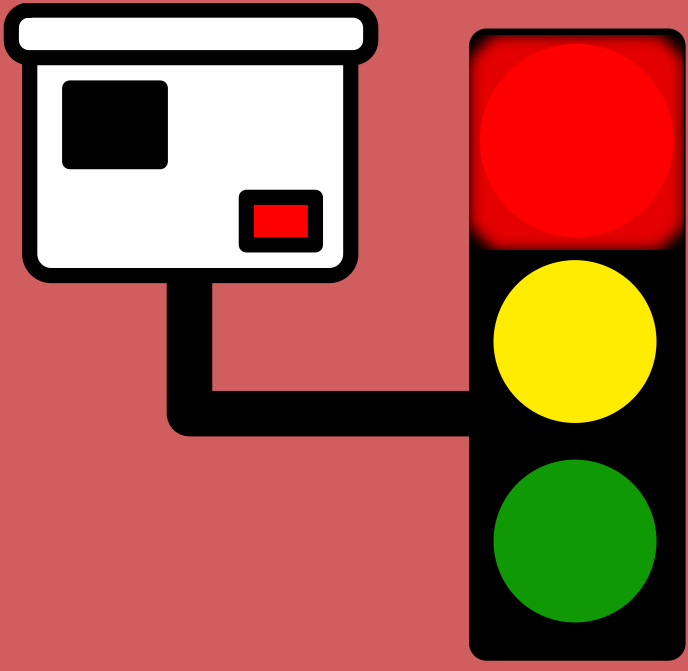
'Moving Traffic Offence' essentially covers any banned manoeuvre that you can make prohibited by local signage or road markings.

These include, but are not limited to:

- Banned turns
- Driving through a no entry; or the wrong way down a one way street
- Blocking a yellow box junction
- Driving in a bus lane



# THE SPOTLIGHT REVIEW'S FINDINGS



## WE CAN BUILD IT. WE HAVE THE TECHNOLOGY.

There is already an **extensive camera network** used by Devon and Cornwall Police for speed- and traffic light-related contraventions that could be used for MTOs. The Police also run **operation SNAP**, which allows members of the public to submit video footage of motorist contraventions (submissions to which have been steadily rising), opening possibilities for collaboration.

We also learned from Traffic for London that the technology is developing, and that TfL had recently started using **moveable, 4G-ready cameras** that can be set up at a **nominal cost** (a few thousand pounds) in comparison to the expensive old stationery cameras which require broadband cabling and significant up-front cost (up to £250,000 including line rental).

## NOT JUST PREOCCUPIED WITH IF WE COULD.

## WE THOUGHT ABOUT IF WE SHOULD...

Statistics from Devon and Cornwall Police demonstrated that **failing to look or distractions inside/outside vehicle** contributed to 37% of fatal collisions in 2021. Given that the enforcement of MTOs is designed to prevent drivers getting into these dangerous, high-risk situations in the first place, **the Council taking on responsibility could make roads safer!**

In London, any money that TfL make from their MTO enforcements is **reinvested into roads**. In fact it is a **statutory requirement** that any surplus made from Penalty Charge Notices (PCNs) must be used towards **roads, public transport or environmental improvements**.

## BALANCING SAFETY AND MOTORIST FINANCIAL CONCERNS

Both the AA and the RAC raised concerns about **incorrect enforcement of MTOs**, and that Penalty Charge Notices could **put people into financial difficulty**. The AA provided evidence from a survey they had run that showed that **at least 25% of motorists who received a PCN did not believe it was justified, but paid anyway due to financial concerns**. It was clear to the Spotlight Review that options to **financially support** these motorists in paying without going into financial difficulty **must be explored**, such as **deferred or phased payment**.

Councillors were clear about implementing a **transparent appeals system**, which was one of the AA's primary concerns. For the first six months of any penalty zone motorists will also receive a **warning for their first contravention** before any financial penalties are issued.

The conclusion to the report highlights the need for a **common-sense approach that does not lead to disproportionate burden on motorists for minor misdemeanours**.



# RECOMMENDATIONS

**1) Devon County Council (DCC) to apply to enforce Moving Traffic Offenses (MTOs)**

**2) Devon County Council to be explicit in the communication of the adoption of the MTO powers:**

- a. To include rationale based upon safety and movement of traffic in congested areas
- b. Regular communications on Social Media about the roll out of the powers and areas that will be enforced as well as updates on appeals upheld
- c. A report to come to Committee one year after the introduction of the powers for Councillors to review the number of contraventions captured, and number of appeals (including those upheld)

**3) DCC to implement the policy which includes:**

- a. Local Councillors to be made aware of any new MTO enforcement in their constituency.
- b. Only issue one Penalty Charge Notice per location, per vehicle, per day.
- c. New enforcement areas to be issued with warning notices for six months for first time moving traffic contraventions rather than penalty charges.
- d. New Traffic management initiatives to include information to the local community about how they will be enforced.
- e. Exploration of ways in which individuals who cannot afford to pay, may do so over an extended period or deferred payment.
- f. That communication of enforcement of moving traffic violations is explicit in the support available for people who are vulnerable, in line with the existing policy for parking debt, making it clear about how to access support.

**4) Devon County Council Highways Officers to explore work with Town and Parish Councils with monitoring and enforcement of MTOs, using existing cameras.**

**5) DCC to further explore opportunities with the Police to link Council enforcement of MTOs with Operation SNAP including supporting members of the public to report offenses.**

**6) Devon County Council to Lobby Devon MPs to make amendments to the legislation/policy on MTOs to allow Councils to offer education instead of a fine to motorists who commit moving traffic offenses.**