

CET/23/64

Corporate, Infrastructure and Regulatory Services Scrutiny Committee
28 September 2023

Moving Traffic Offences Spotlight Review – Progress on Recommendations

Report of the Director of Climate Change, Environment and Transport

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

1) Recommendation

That the Corporate, Infrastructure and Regulatory Services Scrutiny Committee be asked to note the progress made on the recommendations from the Moving Traffic Offences Spotlight Review and the current position on the application to Department for Transport for Moving Traffic Enforcement powers.

2) Background / Introduction

Devon County Council (DCC) is one of a handful of local authorities in England applying to the Department for Transport (DfT) for powers to enforce Moving Traffic Offences (MTOs). MTOs are actions taken by drivers that are in direct violation of the rules of the road. Examples include driving through a no entry sign, making banned turns, entering a yellow box junction when the exit isn't clear and driving on routes that are for buses and taxis only.

Previously, outside of London, the powers to enforce these restrictions fell only to the Police. Following a change in the law, local authorities are now able to apply for powers to enforce MTOs, and DCC is consulting on whether our residents would like to see us adopt these powers.

The new powers will enforce areas where existing restrictions are already in place. The Council is considering ANPR (Automatic Number Plate Recognition) camera systems to be located at a number of locations around the county.

At its meeting on 22 September 2022, the Corporate Infrastructure and Regulatory Services Scrutiny Committee considered the Report of the MTOs Spotlight Review and resolved:

“(a) that the Spotlight Review Report be approved and the six recommendations contained therein be commended to the Cabinet for approval and implementation; and

(b) that, subject to approval of the Report by the Cabinet, a report come to this Committee one year after the introduction of the powers, for Members to review the number of contraventions captured, and number of appeals (including those upheld).”

(Minute 70 and report [Moving Traffic Offences Spotlight Review](#) refers)

This Spotlight Review had been established following the invitation to provide a policy steer on whether adopting the enforcement of MTOs was the right option for the Council.

This report provides a progress update on the recommendations made by the Spotlight Review and approved by the Scrutiny Committee in September 2022.

3) Overview of Progress to date

The following work has been undertaken in support of key recommendations. A summary of key actions is included in Appendix A.

On 12 October 2022, Cabinet considered the recommendations of this Committee and resolved:

“(a) that the findings of the Spotlight Review on Moving Traffic Offences and recommendations of the Report be acknowledged; and

(b) that the Report being presented to Cabinet in November 2022, on Highway and Traffic Policy Reviews, includes reference to the recommendations from the Report.”

On 9 November 2022, DCC’s Cabinet gave its approval to submit an application to the DfT to acquire powers to enforce MTOs under Part 6 of The Traffic Management Act 2004. (Item 238,

<https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=133&MId=4462&Ver=4>)

The Cabinet was presented a list of sites for initial consideration, based on the use of existing CCTV cameras. The sites were as follows:

1. Heavitree Fore Street, Exeter – Bus Lane
2. Exe Bridges, Exeter – Bus Lane
3. Exe Bridges, Exeter – Yellow Box Junction
4. Penn Inn, Roundabout Newton Abbot – Yellow Box Junction
5. Topsham Road / Burnthouse Lane, Exeter – Bus Lane
6. The Square (near Boutport Street) Barnstaple – Bus Lane.

However following engineering review, issues have been identified with some of the sites and these must be resolved before we can consider camera enforcement. Therefore, those sites will be considered as part of a future tranche.

It has also been identified that the use of the existing CCTV infrastructure would not be appropriate for enforcement purposes and therefore dedicated cameras will be required.

Following technical review 8 sites have been identified as requiring enforcement support and these are listed in Appendix B.

Prior to the submission of our application to the DfT in October this year there are a number of requirements for Local Authorities, the key tasks in relation to our application are as follows:

- **Consultation with the appropriate Chief Officer of Police**

Our team is in contact with appropriate Police representatives and an initial meeting was held to discuss proposals on Thursday 27 July.

- **Public Engagement**

It is a requirement that the Authority carry out public engagement, for a minimum six-week period, on the locations and types of moving traffic restriction selected by the Authority as appropriate for enforcement action. This should explain the rationale for enforcement along with opportunity for local residents and businesses to raise concerns.

The team have prepared web pages with detailed information on the sites being considered as part of our application

(<https://www.devon.gov.uk/roadsandtransport/parking/traffic-regulation-orders/moving-traffic-enforcement/>) and the public will be able to provide feedback via our “Have Your Say” pages. Our communications team will provide support via promotion of the engagement process via press releases and social media.

The public engagement exercise was formally launched on Monday 14 August.

Feedback received through this process will be reviewed by the Director of Climate Change, Environment and Transport in consultation with the Cabinet Member for Highway Management prior to any application being made.

- **Procurement of Enforcement Hardware**

It is a requirement that all relevant equipment has been certified by the Vehicle Certification Agency (VCA) specifically for moving traffic contraventions.

The team are working with the Procurement Team to ensure appropriate equipment is procured and that best value is achieved for any sites that are included in our first tranche.

In the coming months as the Authority works towards the launch of its new Moving Traffic Enforcement Service it will develop enforcement Policy to include where appropriate the recommendations made by this Committee.

4) Summary / Conclusions / Reasons for Recommendations

The Committee is asked to note progress in respect of the application of Moving Traffic Enforcement powers. A further update is proposed following the provision of powers to the Authority and updating on progress on launching enforcement at the 8 sites identified in this report.

Meg Booth

Director of Climate Change, Environment and Transport

Electoral Divisions: All

Cabinet Member for Highway Management: Councillor Stuart Hughes

Local Government Act 1972: List of background papers

Nil

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Moving Traffic Offences Spotlight Review – Progress on Recommendations – Final

Appendix A to CET/23/64

Recommendations made by the Moving Traffic Offences Spotlight Review Group, and progress

	Action	Agency	Timeframe	Progress on Recommendations August 2023
1.	Devon County Council (DCC) to apply to enforce Moving Traffic Offences (MTOs)	Cabinet Member	Immediately	Application prepared for the October deadline.
2.	Devon County Council to be explicit in the communication of the adoption of the MTO powers: <ul style="list-style-type: none"> 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) 	Cabinet Member supported by Highways and Communications officers	When adopted Upon beginning of operation One year after operation begins	To be reviewed after adoption of powers.
3.	DCC to implement the policy which includes: <ul style="list-style-type: none"> 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. 	Cabinet Member to agree policy	As policy is developed	Policy to be drafted after submission of application in October.

	<p>e. Exploration of ways in which individuals who cannot afford to pay, may do so over an extended period or deferred payment.</p> <p>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.</p>			
4.	Devon County Council Highways Officers to explore work with Town and Parish Councils with monitoring and enforcement of MTOs, using existing cameras.	Highways Officers	Within 6 months	Initial investigation has concluded that existing CCTV systems within the Authority and used by other Authorities are unlikely to be suitable for Moving Traffic Enforcement purposes.
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.	Highways Officers	Within 6 months	The Authority has worked with Police to promote and utilise the Operation Snap initiative where evidential footage has been gathered showing contraventions.
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.	Cabinet Member/ Scrutiny Committee	Once agreed by Cabinet	To be reviewed after adoption of powers.

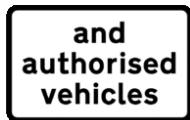
Appendix B to CET/23/64

Sites included in application to Department for Transport.

Site 1 – BA001 – Bus Gate – Old Torrington Road, Sticklepath, Barnstaple

Moving traffic restrictions

Bus Gate



[View the location on Google Maps](#)

Site background

There is Bus Gate on Old Torrington Road between Riverton Road and Grange Avenue. The restriction is being implemented in Summer 2023 to replace the previous bus gate on Gratton Way and is being introduced to better manage traffic in the area due to the new housing development.

The bus gate will have exemptions for

- local buses
- cycles
- approved school transport vehicles between 8am-9.30am and 3.30pm-5pm on Monday to Friday during school term times

Contravention history

The restriction is not yet live so there is no contravention history but from experience of similar restrictions (including the previous prohibition on Gratton Way) the risk of contraventions is high and is why the developers have been asked to pay for an enforcement camera.

Enforcement priorities

Enforcement of moving traffic offences at this site will:

- improve public safety
- support active travel and public transport

Site Compliance Pack

[More information on the site can be found in the site compliance pack](#)

Site 2 – BA002 – No Right Turn – The Square, Barnstaple**Moving traffic restrictions**

No Right Turn



[View the location and the restriction on Google Maps](#)

Site background

There is a banned right turn from The Square (A3125) into Taw Vale that applies to all vehicles. The restriction was first introduced in 2007 to compliment the new Barnstaple Western Bypass and restrict inappropriate traffic movements, making the best use of the new road system.

There is no further hard engineering solution for this site due to the lack of space and other manoeuvres still permitted at this location.

Contravention history

Following a video survey between 17/07/2023 – 20/07/2023, 100 contraventions were witnessed.

Enforcement priorities

Enforcement of moving traffic offences at this site will:

- improve public safety

Site Compliance Pack

[More information on the site can be found in the site compliance pack](#)

Site 3 – BA003 – Bus Gate – Taw Vale, Barnstaple

Moving traffic restrictions

Bus Gate



[View the location and the restriction on Google Maps](#)

Site background

There is bus gate on Taw Vale between the northern junction with Litchdon Street and the junction with The Square. The bus gate was first introduced in 2007 to complement the new Barnstaple Western Bypass and restrict inappropriate traffic movements, making the best use of the new road system.

The bus gate has exemptions for

- local buses
- cycles
- taxis (hackney carriages)

Contravention history

Following a video survey between 09/01/2023 – 11/01/2023, 124 contraventions were witnessed.

Enforcement priorities

Enforcement of moving traffic offences at this site will:

- improve public safety
- support active travel and public transport

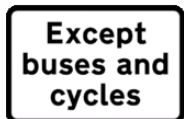
Site Compliance Pack

[More information on the site can be found in the site compliance pack](#)

Site 4 – EX001 – Bus Gate – Wonford Road

Moving traffic restrictions

No Entry



[View the location and the restrictions on Google Maps](#)

Site background

There is prohibition of all vehicles on Wonford Road southeast of its junction with Deepdene Park. A prohibition was first introduced in 2020 as part of the DCC Emergency Active Travel Fund measures in response to the COVID-19 pandemic. Following a statutory consultation, the prohibition was made permanent in 2021 to improve safety for cycling as the road is part of the E9 cycle route and is part of Exeter's strategic cycle network.

The bus gate has exemptions for

- buses
- cycles

Contravention history

Following a video survey between 24/04/2023 – 28/04/2023, 1002 contraventions were witnessed.

Enforcement priorities

Enforcement of moving traffic offences at this site will:

- improve public safety
- support active travel and public transport

Site Compliance Pack

[More information on the site can be found in the site compliance pack](#)

Site 5 – EX002 – Bus Lane – Topsham Road, Exeter

Moving traffic restrictions

Bus Lane



[View the location and the restrictions on Google Maps](#)

Site background

There is a bus lane on Topsham Road that begins at the junction with Buckerell Avenue and continues south eastwards across the junction with Barrack Road to a point just before the junction with Burnthouse Lane. The bus lane was first introduced in 2000

and is reserved for buses, taxis, private hire vehicles, heavy commercial vehicles and cycles. The bus lane applies at all times (24 hours a day on all days).

Contravention history

Following a video survey between 09/01/2023 – 11/01/2023, 68 contraventions were witnessed.

Enforcement priorities

Enforcement of moving traffic offences at this site will:

- improve public safety
- support active travel and public transport
- reduce congestion

Site Compliance Pack

[More information on the site can be found in the site compliance pack](#)

Site 6 – Ex003 – Bus Lane – Fore Street, Heavitree, Exeter

Moving traffic restrictions



Bus lane signage

[View the location and the restrictions on Google Maps](#)

Site background

There is a bus lane on Fore Street, Heavitree between Butts Road and Church Street. The bus lane was first introduced in 1994 and is reserved for buses, taxis, private hire vehicles, and cycles. The bus lane applies Monday to Fridays between 8am-9.30am & 4pm-6.30pm.

Contravention history

Following a video survey between 13/03/2023 – 17/03/2023, 181 contraventions were witnessed.

Enforcement priorities

Enforcement of moving traffic offences at this site will:

- improve public safety
- support active travel and public transport
- reduce congestion

Site Compliance Pack

[More information on the site can be found in the site compliance pack](#)

Site 7 – EX004 – Bus Lane – Cowick Street, Exeter

Moving traffic restrictions

Bus Lane



[View the location and the restrictions on Google Maps](#)

Site background

There is a bus lane on Cowick Street, between a point opposite St Thomas Church and the junction with Buller Road. The bus lane was first introduced in 1994 and is reserved for buses, taxis, private hire vehicles, and cycles. The bus applies Monday to Friday between 8am-9.15am.

Contravention history

Following a video survey between 09/01/2023 – 11/01/2023, 545 contraventions were witnessed.

Enforcement priorities

Enforcement of moving traffic offences at this site will:

- improve public safety
- support active travel and public transport
- reduce congestion

Site Compliance Pack

[More information on the site can be found in the site compliance pack](#)

Site 8 – EX005 – One Way – Iron Bridge, Exeter

Moving traffic restrictions

No Entry Except Cycles



Except
cycles

[View the location and the restrictions on Google Maps](#)

Site background

There is a One Way restriction on Iron Bridge, Exeter from the City Gate pub to Dinham Road. A One Way restriction was first introduced in 2021 to mitigate the impact of displaced traffic from the temporary changes to provide more space for pedestrians on Queen Street. Following a statutory consultation in November 2022, it has been agreed to make the changes permanent and works are currently underway on Queen Street and Iron Bridge to make the necessary changes and are expected to be completed later this year.

There is no further hard engineering solution for this site due to the lack of space.

Contravention history

Following a video survey on the 29/09/2022, 15 contraventions were witnessed.

Enforcement priorities

Enforcement of moving traffic offences at this site will:

- improve public safety

- protect public infrastructure
- support active travel and public transport

Site Compliance Pack

[More information on the site can be found in the site compliance pack](#)