Corporate Infrastructure and Regulatory Services
Scrutiny Committee

# Moving Traffic Offenses Spotlight Review

September 2022

# 1. Recommendations

The spotlight review asks the Corporate Infrastructure and Regulatory Services and Cabinet to endorse the recommendations below, with a report against progress of the recommendations in 12 months time:

| | Action | Agency | Timeframe |
|---|---|---|---|
| 1. | Devon County Council (DCC) to apply to enforce Moving Traffic Offenses (MTOs) | Cabinet Member | Immediately |
| 2. | Devon County Council to be explicit in the communication of the adoption of the MTO powers:<br>a. To include rationale based upon safety and movement of traffic in congested areas<br>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<br>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<br><br>Upon beginning of operation<br><br>One year after operation begins |
| 3. | DCC to implement the policy which includes:<br>a. Local Councillors to be made aware of any new MTO enforcement in their constituency.<br>b. Only issue one Penalty Charge Notice per location, per vehicle, per day.<br>c. New enforcement areas to be issued with warning notices for six months for first time moving traffic contraventions rather than penalty charges.<br>d. New Traffic management initiatives to include information to the local community about how they will be enforced.<br>e. Exploration of ways in which individuals who cannot afford to pay, may do so over an extended period or deferred payment.<br>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. | Cabinet Member to agree policy | As policy is developed |
| 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 |
| 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 |

| | | | |
|---|---|---|---|
| 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 |

## 2. Introduction

2.1 In 2019 the Local Government Association asked upper tier local authorities about their views on adopting moving traffic offenses. A year later the government pledged to change the law within a 52-page document titled "Gear Change, A bold vision for cycling and walking" (Department for Transport, 2020). This report predominately outlined the national government's proposed environmental improvements regarding transport and linked the change to the Traffic Management Act to sustainable travel and air quality improvements.

2.2 Three statutory instruments (SI) will bring the 2004 Act into force:

- 'Traffic management Act of 2004' (legislation.gov.uk, 2004).
- The 'Civic Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions)' has outlined the forms of cameras and level of fines that local authorities could hand out. (legislation.gov.uk, 2022).
- 'Civic Enforcement of Road Traffic Contraventions (Representations and Appeals) include the information that fixed penalty notices are required to contain. (legislation.gov.uk, 2022).

2.3 On the 21st of June 2022 a Statutory Instrument was laid before parliament that detailed the local authorities that have applied to the secretary of state for them to exercise the new powers.

- Bath and North-East Somerset Council
- Bedford Borough Council
- Buckinghamshire Council
- Derby City Council
- Durham County Council
- Hampshire County Council
- Kent County Council
- Norfolk County Council
- Oxfordshire County Council
- Reading Borough Council
- Surrey County Council

These powers are due to come in to force by 14th of July 2022. The full list of potential powers is demonstrated in appendix

2.4 This Spotlight Review was established following the invitation from the Lead Officer and the Cabinet Member for Scrutiny to provide a policy steer on whether adopting the enforcement of Moving Traffic Offences was the right option for Devon County Council.

2.5 The Scope of the review was as follows:

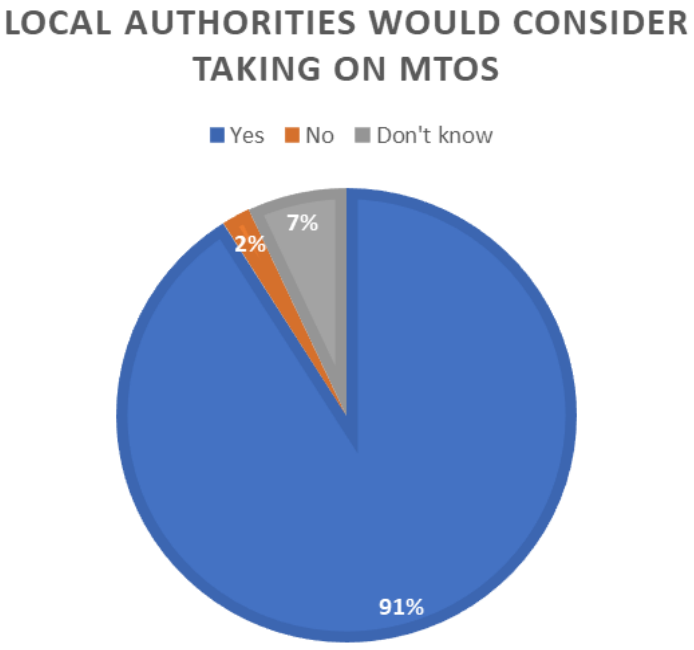
> 'Scrutiny Members to examine the evidence on Moving Traffic Offences on the benefits and disbenefits of applying to become the enforcement agency and make recommendations as to the policy direction that the Council should take.'

2.6 The spotlight review asked questions about the Current picture in Devon from Devon and Cornwall Police and DCC officers, what has been the experience and lessons learnt from Transport for London and what considerations should be considering from motorist organisations such as the AA.

2.7 The spotlight review took place on the 4th July in the afternoon online via Teams. This report details the findings and the recommendations of the spotlight review.

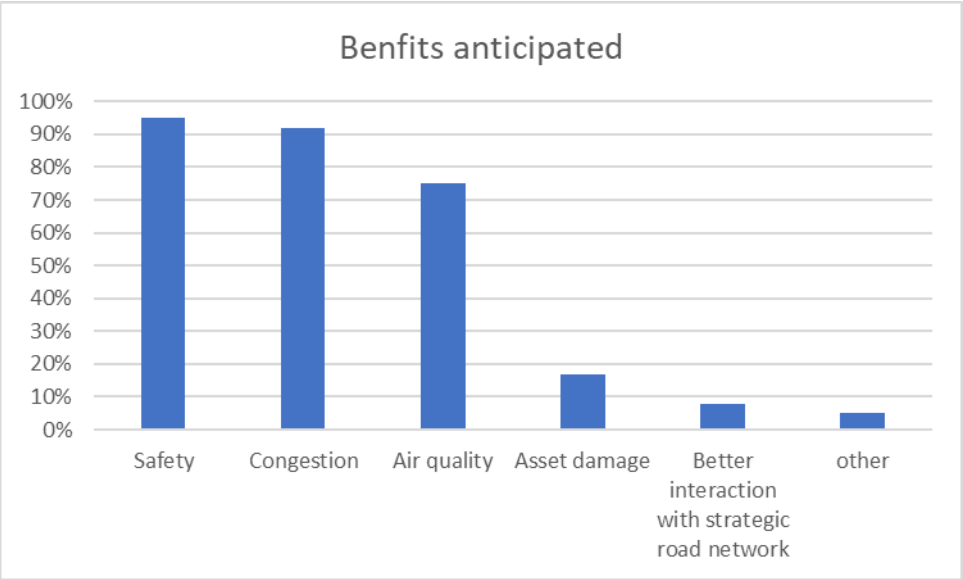
## 3. Approach of other Local Authorities

3.1 In considering whether or not it is prudent to adopt the moving traffic offenses powers, the spotlight review considered the approach that other local authorities were taking. The Local Government Association (LGA) published a survey in July 2019 titled 'Traffic Management Act Part 6' canvassing local authority views on adopting moving traffic offenses. The digital survey was sent to officers responsible for traffic management across 118 single and upper tier councils across the whole of England. Of the 118, 65 responded. The responses are summarised below:

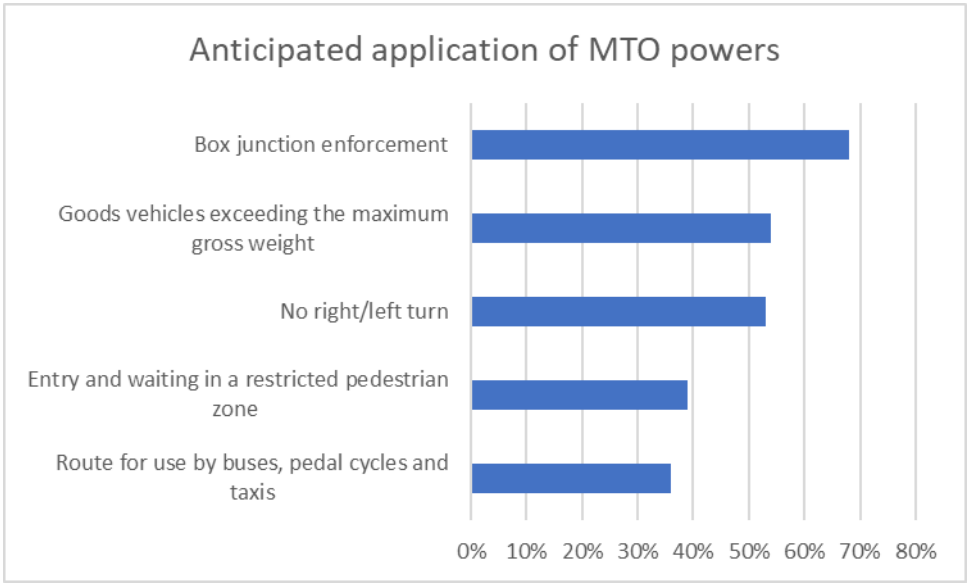


3.2 Those who responded ‘yes’ were then asked based on the existing evidence of their local roads, what the most common issues their local authority has related to their roads and if they could be solved using the Traffic Management Act.

3.3 Out of those respondents who responded that they would be considering taking on enforcement of MTOs, they listed the highest anticipated benefits, with more than 90% or respondents saying safety and congestion, followed by 75% anticipating improved air quality. Less than a fifth also anticipated less asset damage and better integration with the strategic road network.




3.4 From those Local Authorities that responded ‘yes’ the majority anticipate using the powers for box junction enforcement, goods vehicles exceeding maximum weight and no right/left turns. Councils also anticipate using them for restricted pedestrian zones and buses/cycles/taxi restricted areas.



3.5 Specifically in Norfolk, Kent and Hampshire authorities have already run consultations with residents to start the process of adopting MTOs (Appendix 2).

## 4. Current situation in Devon

4.1 In Devon current Moving Traffic Offences are monitored and enforced by the Police and specifically the Road Safety Team based at Crown Hill Police Station.

4.2 There are several approaches to safety enforcement that are in place in Devon:

- The current camera network around speed and red lights. There is an extensive network, this has led to about 140,000 notice of intended prosecutions as a result of speed or red light violations

- Officer Issued tickets these are traffic offence reports that are completed by officers who witnessed offences

- Then there are dedicated operations including SNAP. SNAP is an online portal, where members of the public can upload video footage of moving traffic offences for a decision maker to look and to determine whether an offence has been committed and whether a prosecution would be in the public interest. Over time and the number of submissions has steadily risen each month. In May there were 510 submissions from members of the public and the police are prosecuting about 65 to 70% of those offences.

4.3 There is the potential crossover between what the local authority can adopt in terms of its ability to monitor moving traffic offences and how Devon County Council can link into operations SNAP on a wider basis.

4.4 The current camera systems and processes necessitate the involvement of a human being in deciding whether an offence has been committed. Typically, the offence will be recorded, uploaded and viewed by a member of staff who will decide if an offence has been committed and, if so, whether to issue a PCN or offer an educational option (similar to a speed awareness course). In Devon, there is a team of approximately 50 people who view the offences, manage enquiries from the public, prepare files to go to court, and so on.

4.5 In 2021, the Police recorded 9,806 traffic offence reports. At the time of the Spotlight Review (4th July 2022), 5,573 had been recorded for 2022. The Spotlight Review was advised that there is likely to be a huge disparity in the amount of traffic offences by the police versus the number of contraventions that actually occur and that the number is likely to be significantly higher. Data does not exist on this, but previous operations by Devon and Cornwall Police had revealed worrying trends, such as cannabis usage among moped riders. In terms of addressing these problems, some work is being done in the region to try and gain a fuller understanding of motorist behaviour – for example, in Cornwall work is being undertaken alongside Biffa Waste Services to report contraventions that take place in the presence of waste collection vehicles. A growing number of speed detection hubs for specifically speed-related offences are also being set up across Devon.

4.6 The table below demonstrates the collisions recorded across Devon in 2021.

| **Police recorded collisions 2021** | **numbers** | **% Contributory factors: failing to look or distraction inside/outside vehicle** |
|---|---|---|
| fatal | 27 | 37% |
| Seriously injured | 262 | 33% |
| Slightly injured | 926 | 39% |

4.7 As demonstrated, failing to look properly, or being distracted due to factors inside or outside the vehicle contributed to 1/3 or more of collisions in Devon in 2021. In particular, 37% of fatal collisions – namely, those relating in death – were partly or wholly due to these contributing factors. These are the specific types of motorist behaviour that enforcement of MTOs is supposed to discourage and prevent. This reflects the serious nature of enforcing traffic contraventions and the potential to reduce death and injury that would come with a better level of monitoring and enforcement.

## 5. Lessons from other authorities already operating MTOs

**Cardiff City Council**

5.1 The Spotlight Review approached Cardiff City Council (the only Authority aside from Traffic for London that enforces MTOs instead of the police) for comment.[1] In their response to the spotlight review, the Council outlined the initial stages before enforcement can take place or before a camera is installed – namely, that the Authority must review the signage and road layout to ensure clarity for motorists around banned manoeuvres. If it is not clear, the signage should be updated and a review period to follow. A camera would then follow if there remains a problem with motorists contravening the rules.

5.2 They also advised that physical measures can be taken to prevent enforcement being required. For instance (as pictured below), bollards to prevent a banned right turn mean that enforcement via cameras and PCNs are not required as it is not physically possible to perform the banned manoeuvre.

[1] All information herein from Cardiff City Council refer to M Harrison, email communication.



5.3 In addition, Cardiff City Council also highlighted that accurate monitoring and enforcement of some offences can be problematic. Banned turns and no entries tend to be straightforward. However there can be greater difficulties correctly enforcing, yellow box junctions where it is only a contravention to stop in a yellow box junction under particular cirumstances. This view was echoed by the AA in particular, and is explored in the next section of this report.

**Traffic for London**

5.4 David Barry, Contravention Identification Manager for Traffic for London (TfL) runs a team of 108 staff responsible for the monitoring and enforcement of Moving Traffic Offences on the TfL road network which, whilst only accounting for 5% of the total road network of London, accounts for 30% of the overall traffic. He attended the spotlight review and spoke to Members about the process in London and considerations for Devon in their decision to adopt these powers.

5.5 Identification and validation of contraventions form the bulk of the staffing effort. TfL also employ a small group of technical officers. Whilst the CCTV is monitored, most contraventions on the TfL network are captured automatically by cameras. Driver details are then obtained where possible from the DVLA and go through a manual validation process by a member of TfL staff. A PCN will then be issued.

5.6 Where a new banned manoeuvre is introduced, PCNs are not issued for the first six months. Instead, a warning notice would be issued to a motorist who contravenes the rules for their first offence within this period. This does not apply if a banned manoeuvre has existed for more than six months but has only recently started being enforced – in this case, a PCN would be issued on the first recorded contravention.

5.7 Regarding potential costings of enforcement, the spotlight review heard that in order for a fixed camera to pay for itself it must issue one or two PCNs per day. In the case of TfL, these cameras cost £250,000 to install – this consists of £50,000 installation cost plus sixty years of line rental. The cost is lower for deployable cameras, which Traffic for London has more recently started using. These cost approximately £2,000 each, are movable, and use the 4G network. Electricity cost is also nominal. This means that far less initial investment is required, and the installation of a camera therefore faces fewer financial barriers – and a camera can be moved where required if it is not capturing enough contraventions to justify its placement.

5.8 Also on cost, Traffic for London issues approximately 600,000 PCNs in a year which more than covers the cost of employing 108 staff in their department and the ongoing network maintenance. Profits are then reinvested into TfL projects, bringing a measurable benefit to the road network.

5.9 In terms of safety, the benefit of enforcing banned manoevures was difficult to say, but there is anecdotal experience that where manoeuvres are not typically monitored or enforced motorists can be clearly seen to be behaving dangerously. Monitoring and enforcing these could be naturally assumed to reduce these behaviours and therefore the risk of collisions and injuries.

## 6. Considerations

6.1 The spotlight review invited views from the AA and the RAC. A member of the AA's Public Affairs department responded and outlined in detail the concerns they had, as an organisation, about Moving Traffic Offences and what Councils should consider when taking on the enforcement of MTOs.[2]

6.2 The AA and RAC consensus is that Councils adopting the enforcement of MTOs offers many positives, and that enforcing these contraventions forms an important part of reducing congestion and ensuring the highest levels of safety on our roads. However, their concerns focus both on improper, unjust and inconsistent enforcement of these offences and the risk that enforcing MTOs becomes a way to make money rather than improve motorist experience and safety. In its recommendations – namely that DCC is explicit in its communications, transparent regarding information on the monitoring and enforcement of MTOs, as well as on upheld appeals, and that the Authority explores ways to assist payment for struggling individuals, as well as other recommendations – the spotlight review has taken the concerns raised into account.

6.3 The spotlight review did not receive a response from the RAC. However, the RAC have gone publicly on record with their concerns. RAC spokesman Simon Williams has raised concerns that "some authorities may be over enthusiastic in using their new powers for revenue raising reasons, to the detriment of drivers." The importance of a common-sense approach and reviewing road layouts to ensure the rules are clear to all, were also noted as important in ensuring the system works to reduce incidences of dangerous driving and improve congestion.[3]

[2] Bodset, L. All mentions of AA evidence refer to this email communication.
[3] Allan, M (2021).

## Written evidence from the AA

The AA appreciates the purpose of allowing councils outside London to enforce moving traffic violations. In terms of increasing traffic efficiency and improving road safety, they make sense.

However, there are three areas where we have concerns that may lead to objections:

1) The experience in London where enforcement of moving traffic violations has on occasions been shoddy, unjust and ignorant of the rules. Evidence of this comes from London Tribunals adjudication reports.

2) The system of appeals in the UK is almost completely individualised. It means that flaws in enforcement may be known only to the council, the adjudicators and successful appellants. That means there is very little pressure on enforcers to rectify problems, sometimes leading to PCNs and fines being issued even when those flaws are known.

3) Following on from the second point, Devon is a tourist destination and attracts large numbers of visitors each year. Although the AA recognises that the irresponsible behaviour of some visitors may be a nuisance and sometimes dangerous, flaws such as poor signage, road layout, worn-out road marks, etc lead to drivers unfamiliar with those roads being caught out and fined unfairly.

6.4 The concerns raised by the RAC are echoed by the AA. In their communications with the spotlight review, the AA highlighted previous examples of incorrect or inconsistent enforcement of the rules. Failure to understand how yellow box junctions work was of concern, with examples given below. Appendix 3 to this report gives further detail on the specific appeals submitted as evidence.

**Incorrect Enforcement of Yellow Box Junctions**



6.5 As seen above, this yellow box junction is directly before a pedestrian crossing. This is Putney High Street in London. The AA provided three instances where vehicles had been incorrectly issued a PCN for stopping inside this yellow box. All three cases were successful appeals, where the motorists in question had stopped to allow a pedestrian to cross the road and avoid hitting them. This is not in contravention of the rules, which state that a PCN can only be issued if a car stops inside a yellow box *because of another stationery vehicle.* In one example provided, the adjudicator responsible for reviewing the appeal was "surprised…that the council contested this appeal" despite clear footage showing no wrongdoing.

6.6 The AA also referenced a successful appeal in another area of London (Horns Road, Redbridge) in which a motorist was issued a PCN for stopping in a yellow box junction. However, CCTV evidence clearly showed their right indicator was on, and to stop in a yellow box junction when waiting to turn right and your path is blocked by incoming traffic does not constitute a contravention of the rules.

**Other concerns**

6.7 Other concerns surrounding the inconsistent and incorrect enforcement of the rules highlighted by the AA are as follows:

- **Bus lanes and bus gates**. Bad signage and layout, leading to persistent fining even though it was clear something was wrong. Examples: TfL/numerous London boroughs, and other councils including Preston, Newcastle and Glasgow.

- **Prohibited turns**. There are recent cases in London where the Traffic Tribunal has ruled in favour of multiple appeals at each location due to poor signage.

- **Restricted access to roads and neighbourhoods.** Once again poor or unlit signage. Example: Fishers Lane, Ealing, where there were 22 successful appeals between March and October 2021.

- **Cycle lanes that cut across access to properties and parking.** Crossing them for legitimate reasons then becomes a question of whether a PCN is justified.

**Transparency and the appeals system**

6.8 The AA had concerns surrounding the appeal system. Their concerns included:

- "a worrying occurrence of enforcement flaws" which trapped motorists "even after an adjudicator has highlighted and condemned those failings".

- inadequate pressure for "councils to quality control their enforcement".

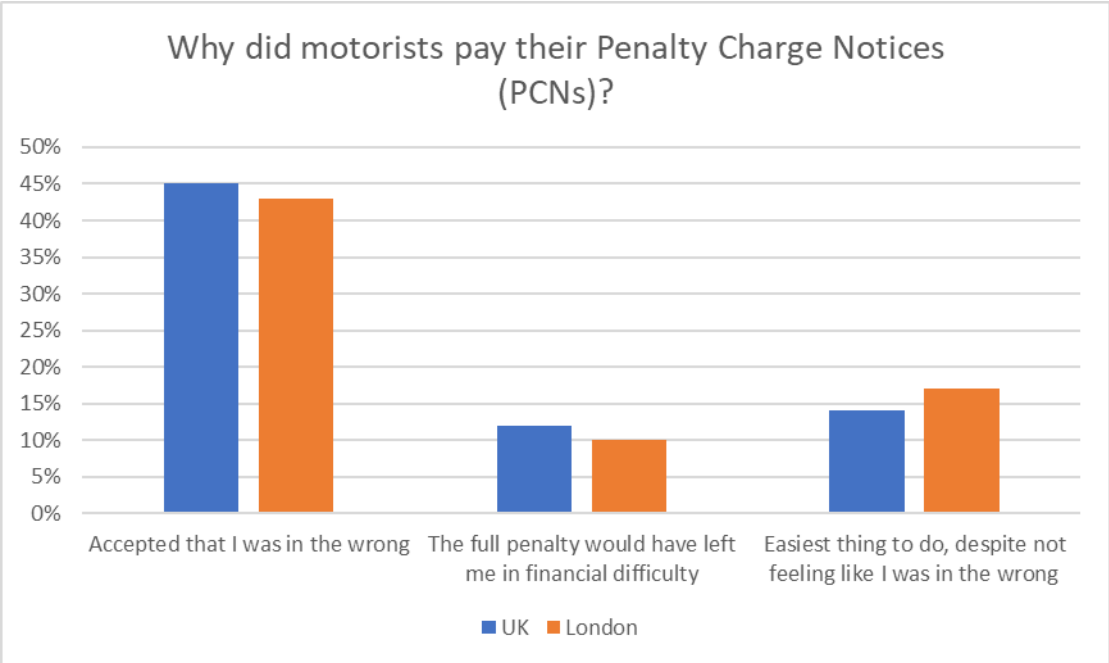
- that the system was not transparent and that drivers were unable "to see whether others in the same circumstances [had] successfully appealed". The AA believed that

a greater number of successful complaints would incentivise the necessary improvements to enforcement.

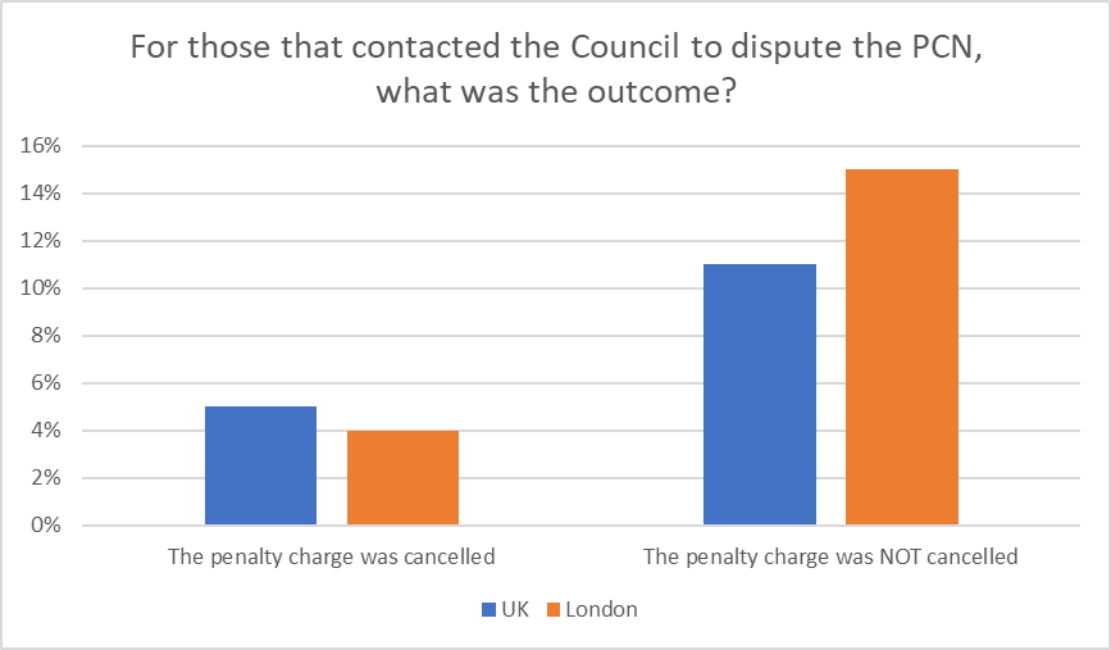
- these issues can culminate to create "fines hotspots" which are unfair to motorists and reflect poor enforcement. "If a location is producing multiple PCNs each day, each offence in theory holds up the traffic, a bus or creates a danger."

6.9 The AA cited the examples of successful appeals presented to the spotlight review, and many more that they were aware of, to suggest that it seems like many councils should be aware of these problems and the resulting hotspots but opt not to rectify them, instead exploiting the lack of transparency to generate income.

6.10 In addition, the AA provided us with results from a survey that they had run, asking the question 'Which if any of the following best describes the outcome of your most recent Penalty Charge Notice (PCN)?' They provided 10 options. Of note is that across UK and in London over one-quarter of motorists who received a PCN and paid the reduced fine did not feel that they were in the wrong but paid due to convenience or to prevent the financial pressures resulting from paying the full fine.




6.11 The AA expressed the concern that because of this pressure, many low-income recipients of PCNs had to pay fines equivalent to a day's wage and give up the right of appeal. Research among AA members showed "that at least a quarter didn't challenge a PCN even though they felt they hadn't committed an offence". Out of those that contacted the council to dispute their PCN (without going to an appeals tribunal), the majority did not have their PCN cancelled.




6.12 Given the AA's concerns about transparency of the appeals system, and the examples provided regarding incorrect enforcement that were *only overturned at appeal*, the importance of correctly and consistently enforcing contraventions *at the first instance* is highlighted.

## 7. Conclusion

The spotlight review believes that there is a clear opportunity to improve flow and safety on urban roads throughout the County. It appears likely that many other local authorities will be taking on responsibility for enforcing moving traffic offences. However, this additional enforcement activity should be pursued with a common-sense approach that does not lead to disproportionate burden on motorists for minor misdemeanours. The spotlight review is mindful that with an increase in the cost of living additional charges will not be welcomed. However, there is an anticipated real benefit to keep traffic moving as well as to encourage safe driving. The spotlight review therefore recommends that the Council do take on these new powers, but do so in line with all of the recommendations in this paper.

# 8. Sources of evidence

The Task Group heard testimony from the following witnesses and would like to express sincere thanks to the following people for their contribution and the information shared:

| | |
|---|---|
| Ian James | Traffic Management Group Manager) Devon County Council |
| Christopher Rook | Traffic Management Team Manager, Devon County Council |
| Superintendent Adrian Leisk | Roads Policing Strategic Lead, Devon and Cornwall Police |
| Richard Kent-Woolsey | Roads Policing Strategic Lead, Devon and Cornwall Police |
| David Barry | Transport for London (TfL) |
| Luke Bodset | AA, via Email |

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How to avoid a penalty at yellow box junctions (motoringresearch.com)

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Authorities in London and Cardiff rake in £58.2m from drivers committing moving traffic offences in just one year | The RAC Media Centre

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Drivers face being wrongly fined in yellow box junctions, says RAC (msn.com)

Tyers, R., 'Councils in England to get new powers over traffic offences,' *House of Commons Library*, 25th May 2022
Councils in England to get new powers over traffic offences (parliament.uk)

Wright, S., 'Enforcing yellow box junction rules fairly: the dangers facing councils and drivers,' *RAC,* 28th March 2022
Enforcing yellow box junction rules fairly | RAC Drive

## 9. Spotlight Review Membership

The Group was chaired by Councillor Alistair Dewhirst and membership was as follows:

| Corporate Infrastructure and Regulatory Services | |
|---|---|
| Councillor Alistair Dewhirst (Chair) | Councillor Colin Slade |
| Councillor Phil Bullivant | Councillor Jeffrey Wilton-Love |
| Councillor Jeff Trail | Councillor Marcus Hartnell |
| Councillor Marina Asvachin | Councillor Richard Chesterton |
| Councillor Yvonne Atkinsons | |

Councillor Stuart Hughes, as Cabinet Member was in attendance.

## 10. Contact

For all enquiries about this report or its contents please contact

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# Appendix 1: Local Authorities Response

## Norfolk

The County Council has put forward a public consultation regarding the introduction of camera monitoring technology across several sites. “Chance to have your say on enforcement of traffic offences” (Norfolk County Council, 2022)

Aims of the project

-Preventing vehicles from using pedestrian and cycle zones.
-Ban access to certain roads for vehicles during times of high congestion
-Addition of cameras to bus-lanes to prevent cars from blocking, delaying buses or violating the bus lane.

The following extract is taken directly from their website to get an understanding of their approach.
“The elimination and reduction of traffic congestion on surrounding roads are the goals of the Council. The new changes appear to be predominately based on how the system has already worked across London”.

Despite the project requiring initial funding Norfolk Council state that this system would inevitably be functioning with a “self-sustaining financial” model. The potential issues surrounding the financial model are outlined in the Media Coverage and Reports section provided at the following web address: *https://www.norfolk.gov.uk/news/2022/03/chance-to-have-your-say-on-enforcement-of-traffic-offences*

## Hampshire

The county council of Hampshire held a public consultation between 14th of February and 27th of March. They received 400 separate comments regarding the introduction of Automatic Number Plate Recognition (ANPR) technology.

## Kent

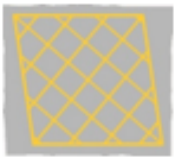
Kent County Council has stated that they are planning on using the new powers to improve safety and congestion. Their intention is to deploy Automatic Number Plate Recognition (ANPR) technology to identify drivers that break laws.

KCC have sought a public consultation in the format of a questionnaire from the 15th of March to the 9th of May. They have yet to publish their Consultation report. (Kent County Council, 2022)

## Appendix 2: MTO Restrictions which will be possible:

| Description | TSRGD diagram number & location | |
|---|---|---|
| Vehicular traffic must proceed in the direction indicated by the arrow | 606 (Schedule 3, Part 2, item 1 and Schedule 14, Part 2, item 42) |  |
| Vehicular traffic must turn ahead in the direction indicated by the arrow | 609 (Schedule 3, Part 2, item 2) |  |
| Vehicular traffic must keep to the left/right of the sign indicated by the arrow | 610 (Schedule 3, Part 2, item 3) |  |
| No right turn for vehicular traffic | 612 (Schedule 3, Part 2, item7 and Schedule 14, Part 2, item 43) |  |
| No left turn for vehicular traffic | 613 (Schedule 3, Part 2, item 8 and Schedule 14, Part 2, item 43) |  |
| No U-turns for vehicular traffic | 614 (Schedule 3, Part 2, item 6 and Schedule 14, Part 2, item 43) |  |
| Priority must be given to vehicles from the opposite direction | 615 (Schedule 3, Part 2, item 9) |  |
| No entry for vehicular traffic (when the restriction or prohibition is one that may be indicated by another traffic sign subject to civil enforcement) | 616 (Schedule 3, Part 2, item 10 and Schedule 14, Part 2, item 44) |  |
| All vehicles prohibited except non-mechanically propelled vehicles being pushed by pedestrians | 617 (Schedule 3, Part 2, item 11) |  |

| Description | TSRGD diagram number & location | |
|---|---|---|
| Entry to and waiting in a pedestrian zone restricted | 618.3B (Schedule 8, Part 2, item 1) |  |
| Entry to and waiting in a pedestrian and cycle zone restricted | 618.3C (Schedule 8, Part 2, item 2) |  |
| Motor vehicles prohibited | 619 (Schedule 3, Part 2, item 12) |  |
| Motor vehicles except solo motorcycles prohibited | 619.1 (Schedule 3, Part 2, item 18) |  |
| Solo motorcycles prohibited | 619.2 (Schedule 3, Part 2, item 20) |  |
| Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle symbol prohibited | 622.1A (Schedule 3, Part 2, item 13) |  |
| One-way traffic | 652 (Schedule 9, Part 4, item 5) |  |
| Buses prohibited | 952 (Schedule 3, Part 2, item 17) |  |
| Route for use by buses, pedal cycles and taxis only | 953 (Schedule 3, Part 2, item 33) |  |

| Description | TSRGD diagram number & location | |
|---|---|---|
| Route for use by tramcars only | 953.1 (Schedule 3, Part 2, item 36) |  |
| Route for use by pedal cycles only | 955 (Schedule 3, Part 2, item 28) |  |
| Route for use by pedal cycles and by pedestrians only | 956 (Schedule 3, Part 2, item 29) |  |
| Route comprising two ways, for use by pedal cycles only and by pedestrians only | 957 (Schedule 3, Part 2, item 32) |  |
| With-flow cycle lane | 959.1 (Schedule 9, Part 4, item 9) |  |
| Contra-flow cycle lane | 960.1 (Schedule 9, Part 4, item 6) |  |
| Part of the carriageway outside an entrance where vehicles must not stop when the marking is placed in conjunction with the prescribed upright sign which includes the symbol at Schedule 4, Part 3, item 10 | 1027.1 (Schedule 7, Part 4, item 10) |  |
| Box junction markings | 1043 (Schedule 9, Part 6, item 25) |  |

# Appendix 3: Selection of Evidence from AA correspondence

**Successful Appeals**

**Putney High Street**

- "The appellant submits that he stopped in the box to avoid blocking a pedestrian crossing pedestrians being about to cross. The council's video footage of this incident, which I have viewed, supports the appellant's account of it. This contravention occurs when a vehicle having entered a box junction has to stop in or within it due to the presence of stationery vehicles. I am satisfied on this footage that the appellant's vehicle did not stop in this box due to the presence of stationery vehicles and I find that the contravention did not occur. I am surprised on this footage that the council contested this appeal." Jan 2019. Case reference 2180491381.

- "The CCTV showed that the Appellant entered the box junction when her exit lane was not clear. She stopped with the rear of the vehicle still in the junction. One element of the contravention is that the vehicle stopped because of the presence of stationary vehicles. I am satisfied that the gap between the preceding vehicle and the box junction was long enough to accommodate the Appellant's vehicle. She had stopped so that she did not obstruct the pedestrian crossing. She did not stop because of the presence of stationary vehicles. I am not satisfied that the contravention occurred. I allow the appeal." Apr 2019. Case reference 2190088487

- "The Appellant's case is essentially that he stopped within the junction to give way to pedestrians at a pedestrian crossing. The CCTV evidence shows that this is indeed the case. It is not a contravention merely to stop in a box junction. The Council has to prove that the vehicle had to stop as a result of the presence of a stationary vehicle - which is plainly not the case here. The Council from its case summary appears to have issued the PCN on the basis that even if the vehicle had not stopped for the pedestrians it would have been unable to clear the junction. However this is not only speculative (- if the Appellant drove every slowly he might not have had to stop) but is in any event wholly irrelevant. The Council's case stands or falls on what actually occurred and the reason for the vehicle being stationary at that point, not what might or might not have occurred in the future. One look at the CCTV in this case should have alerted to the Council to the fact that a contravention was not made out, and the PCN should never have been issued. The Appeal is allowed." Feb 2019. Case reference 2190005832

**Horns Road, Redbridge**

- "The images clearly show that the vehicle did enter this box junction marking when the bus ahead was still in it. However, the images also show the Appellant's vehicle had its right indicator activated and that there were a number of vehicle travelling in the opposite direction. As the Appellant's vehicle starts to move to the right the cctv images stop. The prohibition does not apply to a person who (a) causes a vehicle to enter the box junction for the purpose of turning right; and (b) stops the vehicle within the box junction for so long as the vehicle is prevented from completing the right turn by an oncoming vehicle or other vehicle which is stationary whilst waiting to complete a right turn." Dec 2019. Case reference 2190443272

**Responses to the AA survey question: Which if any of the following best describes the outcome of your most recent Penalty Charge Notice (PCN)?**

| Answer | Across the UK | In London |
|---|---|---|
| I paid quickly because I accepted that I was in the wrong | 45% | 43% |
| I didn't think I was in the wrong but paid quickly because the full penalty would have left me in financial difficulty | 12% | 10% |
| I would have liked to pay quickly but didn't see the notice in time and missed the deadline | 1% | 1% |
| I didn't think I was in the wrong but paying promptly was the easiest thing to do | 14% | 17% |
| I ignored the initial notice and ended up paying the full penalty | <1% | <1% |
| I contacted the council, explained the circumstances and the penalty charge was cancelled | 5% | 4% |
| I contacted the council, explained the circumstances but it refused to cancel the penalty charge | 11% | 15% |
| I appealed the penalty to a tribunal and won | 1% | 2% |
| I appealed the penalty to a tribunal but lost | 1% | 2% |
| Other or don't know | 7% | 5% |