

New powers in England to enforce moving traffic offences

Part 6 of the Traffic Management Act will start taking effect in England in 2022. Here the Chair of the UK Network Management Board, Mark Kemp, offers his views on what this means.

Councils in England will have the powers to enforce moving traffic violations from February under Part 6 of the Traffic Management Act (2004).

Chair of the UK Network Management Board Mark Kemp says: "This is welcomed by the profession as a demand management tool and as a congestion tool. The sector has been pushing for this for a number of years."

Mark is director of environment and infrastructure at Hertfordshire County Council and his authority is looking to take forward the powers in several areas. One example is a plan to introduce a camera enforcement pilot of a weight restriction in Watford to protect a residential community which surrounds an industrial site.

The new powers that authorities will have are mainly on restrictions on movement; for most councils this will mean enforcing rules already in place such as banned right hand turns, waiting on yellow boxes and some parking restrictions.

Mark says that one benefit of councils having enforcement powers is that some poor driver behaviour issues may be removed as a result.



↑ Violations committed on the move will soon be enforceable under Part 6 of the Traffic Management Act



↑ Mark Kemp

How this rolls out politically is of interest to Mark, with a nod to two tier authorities where District Councils have elections every year. Perhaps also to the experience of rolling out Low Traffic Neighbourhoods and some concerns that were highlighted in that process.

On the issue of Low Traffic Neighbourhoods, there was a tight deadline for delivering the Department for Transport's emergency Active Travel Fund. The speed of this – for various reasons, including to respond quickly to Covid – did mean that consultation timescales were sometimes tight and this, perhaps, explains why there were some adverse public responses.

The lesson from this means that stakeholder engagement and consultation must be a high priority for any changes made to the highway that have an impact on people's lives, says Mark.

One criticism of Low Traffic Neighbourhoods has been the suggestion that they have had a detrimental impact on people with disabilities. This demonstrates that issues can be complex and authorities need to listen and carefully consider their approach to implementing such schemes.

Now the use of cameras for enforcement of traffic violations appears to be an opportunity for councils to take hold of, as it gives the ability to enforce a particular traffic regulation order without having to put in place additional physical measures.

Mark formerly worked at Oxfordshire County Council and explains how they were very effective at using camera systems to enforce bus priority measures. He says schemes can be delivered very effectively with camera enforcement, saying: "This allowed us to



↑ Yellow box junctions are covered by the new powers

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put in restrictions that were able to fit in with the historic character and offer an aesthetic benefit.”

In the example of the Low Traffic Neighbourhoods, camera enforcement – with appropriate exemptions for blue badge holders – could be an example of how a council can take account of certain disability groups into scheme implementation.

In terms of the roll out of enforcing moving traffic offences, Mark says that in 2020 members agreed that using cameras as an enforcement method was suitable.

This leads to issues associated with the implementation of systems to run enforcement effectively. For certain authorities that perhaps already operate bus enforcement, this will be easier to deliver as they already have back office systems and processes in place. For those authorities without these, there will be the need to set up appropriate systems.

Another important issue to consider is the need to communicate with people that enforcing moving traffic violations is not an anti-car policy, Mark Kemp says, but to inform the public that the reasons for this are about ensuring a smoother flow of traffic. He thinks that it will be useful if councils could tie this new enforcement into other enforcement mechanisms.

Mark adds that authorities need to think carefully about what they are trying to achieve and whether that is what the local community wants and needs. He explains there will be all manner of issues that need careful thought, such as grace periods and to make sure there are robust processes so that if something should go wrong, the council can quickly recover their position and – where appropriate – pay people back or issue an apology. “You need to think through your logic,” he says.

Asked about what a measure of success will be in terms of the new enforcement powers, Mark says clearly: “It will be one that costs authorities



↑ Banned right hand turns will be enforced under the new powers

money, as people will be observing the rule and improving traffic flow and air quality. So there is a potential budget challenge to this.”

This is a reiteration of a message that the sector has been keen to make and one that the Local Government Association has issued: for this to be effective it must be fair and reasonable. This new power is not, in Mark’s words, “about trapping people into paying a fine”.

One way of looking at these enforcement powers is seeing them in the context of changes under way in policy; in effect as part of a wider package of changes happening on local roads in England.

Mark believes that enforcement should be seen by councils within a wider context of the Department for Transport’s ‘Gear Change’, and ‘Bus Strategy’ – as they are as much a part of ensuring a shift to modal change as they are about managing congestion.

Several years ago Mark gave evidence to a Transport Select Committee hearing on how authorities could best manage congestion. In

that session Mark was pressed on what one thing would be most important for addressing congestion. He replied that it would be rolling out Part 6 of the Traffic Management Act to give authorities powers to enforce moving traffic offences.

Now that this is about to happen, it will be over to councils to make a success of the new powers, because with power comes responsibility. As Mark says: “This is the great opportunity, let’s make sure it is a success.”

Justin Ward

A summary of the Traffic Management Act 2004

Part 6 of the Act covers the civil enforcement of traffic contraventions. It gives the Government power to introduce a new framework for the enforcement of certain moving traffic matters, parking, bus lanes and a London lorry ban.

It builds on a civil enforcement regime introduced by the Road Traffic Act 1991, the Transport Act 2000 and legislation in London.

Part 6 of the Act allows councils outside of London to enforce moving traffic offences, such as making banned turns, exceeding weight limits and stopping in yellow boxes.

Part 1 of the Traffic Management Act covers traffic officers, Part 2 is about network management by local traffic authorities and Part 3 is about permit schemes for those who want to dig up the road.

Streetworks are covered in Part 4, Highways & Roads are included in Part 5 and a Miscellaneous and general section (Part 7) includes the power to inspect blue badges.

Source: gov.uk



↑ Some parking restrictions come under the new powers too