1.0 SUMMARY
This report informs Members of the Borough’s powers of enforcement in respect of road traffic contraventions under the London Local Authorities and Transport for London Act 2003 and seeks approval for the appointment of 9 January 2012 as the Appointed Day on which the Borough commences camera enforcement of moving traffic offences.

2.0 RECOMMENDATION
2.1 Borough Council notes the powers available to the Council under the London Local Authorities and Transport for London Act 2003, regarding Civil Enforcement of Moving Traffic Offences.

2.2 9 January 2012 is confirmed as the “Appointed Day” for the London Borough of Hounslow in respect to the commencement of enforcement.

2.3 To delegate authority to the Director of Environment to be responsible for the exercise of the civil enforcement powers and to allocate responsibility to such officers as may be required to act on his behalf.

3.0 BACKGROUND
3.1 The London Local Authorities and Transport for London Act 2003 (LLA & TFL Act 2003) gives the power to London Authorities (as Traffic Authorities) to take on the Civil Enforcement of certain moving vehicle contraventions (Moving Traffic Contraventions) by de-criminalising the offences, thereby transferring the enforcement responsibility from the Police to the Traffic Authority i.e. the Council. The powers are primarily contained in Sections 4, 5 and 7 of the Act although a number of other sections are relevant as well.

3.2 A list of Moving Traffic Contraventions that the Council will be able to enforce and examples of the Traffic Signs that are used to indicate the various restrictions are attached as Appendix 1

3.3 The Executive resolved on 24th Jan 2006 to take responsibility for enforcement powers. Following that resolution, the Authority made a written submission to London Councils (a requirement) which was also approved on 24th Jan 2006.
3.4 Following receipt of the required approvals, the authority tendered for and secured a main contractor to deliver the CCTV infrastructure required to allow the authority to commence enforcement overall. Under the guidance of the Council’s Procurement Unit, the authority carried out a restricted tender to appoint a main contractor. The process was carried out in line with European Union Regulations and assigned OJEU notice reference number : (06/S 156-168496/EN). Now that the core CCTV enforcement service is sufficiently embedded all that is left is the ‘moving traffic aspect which this report addresses.

3.5 The case for moving traffic enforcement in Hounslow is twofold. First, through research we have found that the majority of police officers in the Borough are unaware that the power’s to enforce still rest with them. In 2010 an FOI was submitted by LB Hounslow to the police asking how many MTC infringements caught had been issued with a Fixed Penalty Notice (FPNs). It was concerning to note that only a total of 6 FPN’s were issued across the Borough. This demonstrates that most officers are not aware of their responsibility and that the Police force may not have the resource to enforce. This is why civil parking enforcement exists. Second, from a public safety and road scheme design perspective, there is little point in creating safer junctions and road schemes if the rules to make said schemes successful are not enforced. One of the most dangerous scenarios for example is a vehicle making a banned turn and by committing that offence crosses a pedestrian crossing showing a green man. If enforcing MTCs prevents this, we are demonstrating our duty of care to the public.

3.6 22 of 33 Enforcement Authorities within Greater London currently carry our Moving Traffic Enforcement. London Council’s statistics confirm that despite an overall decrease in PCNs for several years in a row, the number of penalties issued for moving traffic contraventions increased from 482,184 in 2009/10 to 571,590 in 2010/11 across the Capital. This demonstrates that whilst the lessons on parking and bus lane use are being learned this may not be the case with driving habits. Adopting this measure in Hounslow will greatly assist with the Council’s targets to reduce further serious road injuries and deaths.

3.7 At the Executive meeting held on 9 May 2011, it was agreed that the Borough’s CCTV infrastructure should be used for moving traffic enforcement. The authority now needs to agree a date, and give 3 months public notice of that date, on which it proposes to commence camera enforcement for such, referred to as the “Appointed Day”. That date is recommended to be 9 January 2012.

3.8 With regard to informing the public we will ensure that we follow Members wishes expressed in the CCTV review of July 2010. Our signs carry the wording "traffic enforcement" which Moving Traffic CCTV falls under. We will also run a large publicity promotion consisting of a page on the website, a poster campaign in/on Council buildings, bus stops and adverts on the rear of local buses (portable adverts across the Borough).
4.0 FINANCIAL IMPLICATIONS

4.1 For good governance, enforcement authorities need to forecast revenue in advance. However, raising revenue should not be an objective as the primary driver for enforcement is traffic management and the improvement of road regulation compliance.

4.2 There may be an increase in the number of Penalty Charge Notices (PCNs) issued for moving traffic offences. However, as the equipment will be diverted from other forms of CCTV enforcement any change will be negligible resulting in little, if any financial implications.

5.0 DIRECTOR OF FINANCE COMMENTS

The Director of Finance comments that, as stated above in para 4.2, by being able to use the CCTV infrastructure for moving traffic enforcement, the Council is likely to issue more penalty charge notices. As the Council has never done this form of enforcement before it is not possible to estimate accurately how much additional income might be generated given the appointed date for adoption of powers falls in January 2012. Consequently, no allowance has been made in this year’s revenue budget. An allowance will be included in future years’ budgets from 2012/13 for an increase in CCTV income.

6.0 LEGAL IMPLICATIONS

6.1 The Council’s CCTV has been certified in accordance with the Department for Transport’s requirements for the purposes of parking and traffic enforcement.

6.2 Subject to Borough Council approval of the recommendations in 2.1 and 2.2, it is a requirement for a notice to be published in a local newspaper circulating in the area and also in the London Gazette advising:

(a) of the decision and the date fixed as the Appointed Day; and
(b) the general effect of the civil enforcement provisions coming into effect from the Appointed Day.

This notice must be published a minimum of three months before the Appointed Day.

7.0 ENVIRONMENTAL IMPLICATIONS

7.1 Effective Civil Enforcement will contribute to improved safety on the Borough’s roads, reduced congestion and as a consequence, improved air quality and quality of life for all the borough’s residents, businesses and visitors.
8.0 NETWORK MANAGEMENT IMPLICATIONS

8.1 Restrictions on the movement of traffic are normally introduced for two main reasons, namely to improve road safety or to ease the flow of traffic. Both of these purposes accord with the Council’s statutory Network Management Duty and consequently it is vital that a satisfactory enforcement regime is in place to ensure compliance with these restrictions.

9.0 EQUALITIES / DIVERSITY IMPLICATIONS

9.1 Safer highways with reduced congestion positively benefit all sections of the community. Enforcement of moving traffic offences will be carried out in accordance with the London Councils Code of Practice to ensure impartiality and consistency.

10 COMMENTS OF THE ASSISTANT DIRECTOR CORPORATE GOVERNANCE

10.1 The Acting Borough Solicitor has been consulted in the drafting of this report and his comments have been incorporated within it.

Background Papers:
Parking Enforcement Policy 2011 agreed by Executive in May 2011;
CCTV report to Borough Council 24 Jan 2006

This report has been or is due to be considered by: CLT 22 August 2011

This report is relevant to the following wards/areas: All
APPENDIX 1

A list of the contraventions, accompanied by the relevant sign motorists will see in the street. All vehicles are prohibited except non–mechanically propelled vehicles (these are vehicles that do not have an engine such as bicycles, rickshaws, horse and cart, or being pushed by pedestrians).

<table>
<thead>
<tr>
<th>Description of traffic sign</th>
<th>Image</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicular traffic must proceed in the direction indicated by the arrow</td>
<td>![Left Arrow Sign]</td>
</tr>
<tr>
<td>Vehicular traffic must turn ahead in the direction indicated by the arrow</td>
<td>![Right Arrow Sign]</td>
</tr>
<tr>
<td>No right turn for vehicular traffic</td>
<td>![No Left Turn Sign]</td>
</tr>
<tr>
<td>No left turn for vehicular traffic</td>
<td>![No Right Turn Sign]</td>
</tr>
<tr>
<td>No U turns for vehicular traffic</td>
<td>![No U Turn Sign]</td>
</tr>
<tr>
<td>Priority must be given to vehicles from the opposite direction</td>
<td>![Priority Sign]</td>
</tr>
<tr>
<td>No entry for vehicular traffic</td>
<td>![No Entry Sign]</td>
</tr>
<tr>
<td>All Vehicles prohibited except non–mechanically propelled vehicles being pushed by pedestrians</td>
<td>![Prohibited Sign]</td>
</tr>
<tr>
<td>Entry to pedestrian zone restricted (Alternative types)</td>
<td>![Pedestrian Zone Sign]</td>
</tr>
</tbody>
</table>
Entry to and waiting in pedestrian zone restricted (Alternative types)

Entry to and waiting in pedestrian zone restricted (Variable message sign)

Motor vehicles prohibited

Motor vehicles except solo motorcycles prohibited

Solo motorcycles prohibited

Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle symbol prohibited

One way traffic

Part of the Carriageway outside a school entrance where vehicles should not stop

Box Junction - do not enter unless your exit is clear or you are turning right