

## Moving Traffic Enforcement

### Q: Why are the Councils taking on these powers?

A: South Gloucestershire Council are applying to take on these enforcement powers to improve the road network. The Police currently enforce moving traffic offences, and this will allow them to focus on other policing priorities. Each site to be enforced must help achieve at least one of the following objectives:

- improve road safety
- tackle network congestion
- increase public transport reliability
- improve air quality
- increase lifespan of highway assets.

### Q: How will the Council enforce these offences?

A: The government have issued guidelines that regulate how Council's must enforce moving traffic offences. Automatic Number Plate Recognition (ANPR) cameras will be installed at the sites to be enforced and Penalty Charge Notices (PCN's) will be issued via post to the Registered Keeper of the vehicle (in the same way bus lane camera's currently operate). In the unlikely event a motorist gets a PCN from the local authority and a Fixed Penalty Notice (FPN) from the police for the same contravention, then the police enforcement would take precedence.

### Q: How much will the fine be?

A: Motorists found to be in contravention of a restriction will be issued with a penalty charge notice. The charge is set nationally and is currently £70 or it can be paid at a discounted rate of £35 if paid within 21 days.

Motorists will also have the option to submit an appeal should they wish to contest the penalty charge notice.

### Q: Will South Gloucestershire Council make any money from this?

A: Profiting from enforcement is not an aim of enforcing moving traffic offences. We are applying for these powers to make a positive difference to the highway network, and not as a source of income.

We hope that enforcement will help improve compliance at these sites and improve safety, reduce congestion, and assist public transport. As compliance improves, the number of Penalty Charge Notices is expected to fall.

## **Q: What will happen to the income generated by fines?**

**A:** The enforcement of moving traffic restrictions is intended to help improve the safety of the highway, to help ease congestion and aid bus journey reliability. Income raised through fines will go back into funding the operational costs of running the cameras. Any surplus income generated from fines, must be spent in accordance with Section 55 of the Road Traffic Regulation Act 1984.

Surplus income, should there be any, will need to cover all costs related to enforcement. This includes the administration staff involved in collecting the fines, maintenance of cameras and the associated signs and markings together with energy, data and software costs. Money will also need to be set aside for the eventual replacement of equipment once it becomes unserviceable. Any surplus remaining after deduction of costs may go towards:

- (i) further enforcement sites,
- (ii) measures to improve public transport or
- (iii) other highway associated improvements.

The regulations do not permit surplus income generated from fines to be used to fund routine highway maintenance activities or other council services.

## **Q: Why aren't the Council enforcing all the moving traffic restrictions/locations?**

**A:** Introducing Automatic Number Plate Recognition (ANPR) cameras and issuing Penalty Charge Notices (PCNs) is not going to be the standard approach for all locations. The capital cost of implementing new ANPR sites is significant, therefore rollout to further sites will need to be proportionate and evidence led.

## **Q: Will there be more sites added to the enforcement regime over time?**

**A:** It is envisaged that this enforcement will be rolled out to more sites from 2023 onwards, but only at locations where there is a need.

## **Q: When will South Gloucestershire Council start enforcing?**

**A:** It is estimated that the enforcement powers will be granted in 2023. Once camera equipment is installed and operational, warning notices will be issued for first time offences for a period of six months following the 'go live' date.

## **Q: Will drivers be able to challenge Penalty Charge Notice's issued for these offences?**

**A:** When a Penalty Charge Notice (PCN) is issued to the Registered Keeper there will be details on how a challenge can be made. As with parking PCN's this must be in writing and within the timescales set out on the PCN. For the first six months of operation Warning Notices will be sent for first time offences only.

## **Q: Will the Police still enforce moving traffic offences?**

**A:** The Police will retain the ability to enforce moving traffic restrictions using their existing powers. Enforcement of moving traffic contraventions is understandably one of many functions that the police must prioritise. The introduction of civil enforcement by the Council will enable a more proactive approach to enforcement where it may be of greatest benefit. This will help us to meet our legal duty to manage traffic on the highway and improve safety for all road users.

In the unlikely event a motorist gets a PCN from the local authority and a Fixed Penalty Notice (FPN) from the police for the same contravention, then the police enforcement would take precedence.

## **Q: Can you enforce my speed limit/traffic signals instead?**

**A:** A number of traffic contraventions are not included within the Part 6 TMA powers as their severity means they will remain as criminal offences. These include exceeding speed limits, overtaking on double white line systems, stopping on zig-zag markings at pedestrian crossings, failing to stop at pedestrian crossings and red-light violations at traffic signals.