

17 July 2024		ITEM: 19 Decision: 110731
Cabinet		
Amendment to the Parking Enforcement Strategy and introduction of the CCTV/ANPR Enforcement: Code of Practice.		
Wards and communities affected: All	Key Decision: Key	
Report of: Cllr Victoria Holloway, Cabinet Member for Place and Environment		
Accountable Assistant Director: Michael Dineen, Assistant Director for Counter Fraud, Enforcement and Community Protection.		
Accountable Director: Daniel Fenwick, Executive Director for Corporate Services		
This report is Public		
Version: Final / Cabinet		

Executive Summary

This report has been prepared to inform Cabinet about new legislation that Thurrock Council is now able to utilise in its efforts to keep network management and road safety a priority. The legislation has been in existence since 2004, however it was only recently that Local Authorities were able to enforce additional offences under the Traffic Management Act 2004. These offences are more commonly known as moving traffic offences or MTOs, which include offences such as;

- Incorrectly driving into a bus lane
- Stopping in yellow box junction
- banned right or left turns
- illegal U-turns
- going the wrong way in a one-way street
- ignoring a Traffic Regulation Order (TRO)

Due to the change in legislation, amendments to our current 'parking enforcement strategy', which can be found at **appendix 1**, needed to take place. Inclusion of the offences as well as an explanation as to how the Council would enforce such offences needed to be explained to the public. Alongside this amended strategy is a supporting 'CCTV/ANPR Enforcement: Code of practice' document, this can be found at **appendix 2**. This highlights, in greater detail, the actions of the authority in how we will engage and utilise the technology allowed, the standards we have set, and how any complaints or issues will be raised with the authority.

For Local Authorities to use the above legislation the Council is required to have a strategy in place to ensure consistency in approach and for transparency to the public.

Commissioner Comment:

Commissioners have been consulted on the content of this report and agree with the recommendations made.

1. Recommendation(s)

1.1 Cabinet approves the amendments to the Parking Enforcement Strategy and the adoption of the new CCTV/ANPR Enforcement: Code of Practice.

2. Introduction and Background

2.1 Since 31st May 2022, local authorities outside London have been able to apply to the Secretary of State (SoS) for powers to enforce “moving traffic offences”. In July 2023, Thurrock were officially included in the changes to the Traffic Management Act 2004.

2.2 This means Thurrock was granted the ability to enforce against such offences as

- Incorrectly driving into a bus lane.
- Stopping in the yellow box junction.
- Turning in contravention of a right or left turn.
- Illegal U-turns.
- Going the wrong way on a one-way street.
- Ignoring a Traffic Regulation Order (TRO).

2.3 Thurrock encounters traffic from all over the UK and is visited constantly by foreign commercial and light vehicles from abroad and our ports attract thousands of vehicles a year.

2.4 The powers have been successfully used in London for some years and this newly amended legislation now allows other Local Authorities, such as Thurrock to enforce in a similar way.

2.5 Thurrock Council placed the appropriate application to the SoS in February 2023, with this being accepted on 27th April 2023. The SI came into force in July 2023. The Authority's application was to enable enforcement at Junction 31 M25 (roundabout) with regards to yellow box junctions. Further sites can be identified moving forward; however, this is the only site that can currently be enforced.

2.6 Enforcement authorities are expected to develop and document their own policy/strategy on when to enforce within their own enforcement area. Decisions must then be made in line with that policy and the code of practice that is in place. This amended strategy is therefore essential in allowing Thurrock to take effective enforcement action under the legislation. It is a significant addition to the range of tools in the Council's existing Parking Enforcement Strategy.

3. Issues, Options and Analysis of Options

3.1 The proposed amended strategy, combined with the new Code of Practice, reflects the approach recommended by the Department for Transport and is very similar to other Local Authorities that enforce this legislation already, these offences have been enforced by London

Boroughs for over a decade, with policies and codes of practice learning from matters that have arisen during this time.

- 3.2 Traditional 'paper' Penalty Charge Notices are not to be used as the systems that will be in place will have a 'non-attended' function, meaning that AI will identify and highlight potential offences to staff, who will then review and determine if the offences have been made out after the fact. This has been discussed with and in collaboration with the information management team and abides by Thurrock Councils overarching CCTV Policy.

4. Reasons for Recommendation

- 4.1 If this strategy and Code of Practice are not agreed by Cabinet, then Parking Enforcement will not be able to enforce these offences without challenge. The strategy and the codes of practice ensure an open, transparent and fair process for all. This strategy and codes of practice will also be available online via the council website.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Although this strategy amendment and introduction of new codes of practice does not need a consultation, the ability to enforce these offences does require each 'tranche' of decisions to enforce, to have a 6-week consultation period. This is a requirement of the legislation and took place in January 2023 for the current site that is in scope to enforce this legislation – Junction 31 (M25). This is the only site that was put forward at this time.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The work on moving traffic offences contributes to all three of Thurrock's priorities in terms of;
- **People**
Ensuring that the local road system is safe for residents to use.
 - **Place**
Enabling the Council to keep the road network free from congestion, which causes environmental impacts as well as disruption to many within the community.
 - **Prosperity**
To ensure local transport is controlled correctly and allow for the free movement of those involved in business in this area.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Senior Management Accountant

There are no financial implications in relation to this strategy amendment or the code of practice being introduced. This project has previously been discussed at council as it forms part of the agreed savings for 24/25.

7.2 Legal

Implications verified by: **Jayne Middleton-Albooye**
Interim Head of Legal Services and Deputy Monitoring Officer

The Report sets out the legislative context. Local Authorities were given powers to enforce moving traffic offences under Part 6 of the Traffic Management Act 2004. These were brought into force by 3 statutory instruments in 2022. As outlined in the report, Thurrock Council made an application to use these powers in respect of Junction 31.

The Council is required to have regard to the Statutory guidance when developing its moving traffic enforcement regime including development of its policies. Local authorities are expected to follow the guidance unless there is a compelling reason for not doing so. Local authorities will be expected to explain any decision not to implement the terms of the guidance, and adjudicators may consider it to be a procedural impropriety, sufficient to allow an appeal if no sufficient explanation is provided.

7.3 **Diversity and Equality**

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project Monitoring Officer

The work outlined in this report helps with community safety and traffic management, which all increases the wellbeing of communities. A EQIA has been completed which is linked to the specific project that is currently taking place for Junction 31 (M25). Further EQIAs will be required for future projects in line with the 6-week consultation process.

7.4 **Risks**

No additional risks have been identified.

7.5 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

No other implications have been identified.

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

None

9. **Appendices to the report**

- Appendix 1: Parking Enforcement Strategy
- Appendix 2: CCTV/ANPR Enforcement: Code of Practice

Report Author:

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