

Chapter 14 Enforcement

14.1 Basic Principles

Compliance with traffic regulations by road-users is essential for road safety and efficiency of movement. Most road-users comply with most traffic regulations most of the time. However, enforcement is necessary because road-users sometimes perceive sufficient immediate advantage in breaking traffic regulations as outweighing the potential disadvantages, including the risk of accidents both to themselves and to others and the risk of incurring penalties.

Little enforcement is required where the disadvantages of breaking traffic regulations are significant and obvious, such as driving against the prescribed direction of flow in a busy one-way street or driving through a substantial road-closure barrier. Such regulations are generally referred to as self-enforcing. Substantial enforcement and deterrence are required where the benefits of contravention are clear and the disbenefits less so, such as speeding on a clear road on a fine day and most parking offences.

Compliance with traffic regulations, where not self-enforcing, depends largely on drivers' perception of the risks and implications of being subjected to enforcement action. For example, regular enforcement of speed-limits at particular locations usually results in better compliance, at least at those locations where the risk of being caught is perceived to be high. The deterrence effect can be enhanced by appropriate publicity; for example, the effectiveness of speed enforcement cameras has been increased by publicising and signing their presence.

Deterrence can also be enhanced by making the penalties for contravention severe. For example, wheelclamping illegally parked cars is an effective enforcement method because of the severity of the penalty, both financially and in terms of inconvenience. However, the severity of penalties which can be imposed for traffic offences is limited by the acceptability of such penalties to society as a whole.

Many drivers do not generally regard ordinary traffic offences as serious because, unlike most other crimes and misdemeanours, a high proportion of them will have committed a motoring offence at some time in

their lives. However, this perception is often not shared by, for example, pedestrians who tend to have a greater awareness of the anti-social consequences of inappropriate speed. As a result, enforcement of traffic regulations, especially parking regulations, does not enjoy the same level of public support as other enforcement activities, such as prosecuting burglars. Nevertheless, public opinion can be influenced by sustained and targeted media campaigns. For example, the publicity given to the risks associated with drinking and driving has had an effect on the public acceptability of such behaviour. Public support is likely to be enhanced if authorities ensure that any traffic or parking regulations which are introduced are appropriate and justified by the prevailing traffic conditions. Even so, objections are relatively common and decisions may need to be made in respect of the general public good rather than individual inconvenience.

14.2 Policy Issues

The increase in traffic volumes, with its associated adverse effects on traffic flow, road safety and the quality of the environment, has led to a reassessment of transport policy (eg DOE/DOT, 1994) [NIa] [Sa]. In particular, increased emphasis is being given to making the best use of existing road infrastructure and to reducing the number of casualties arising from road accidents. In London, a network of Priority (Red) Routes (DOT, 1992) has been identified, on which the movement of all classes of traffic, including buses, is given priority, so that congestion is reduced and people and goods can reach their destinations more easily, reliably and safely. The Government has also set a national target for reducing road-accident casualties (see Chapter 16) [NIb]. The effective enforcement of traffic regulations has a major part to play in achieving these objectives.

In most areas of the country, no single agency is responsible for traffic management [NIc]. The responsibility for introducing traffic regulations lies with local authorities, while the police are responsible for the enforcement of such regulations. Concentration of limited police resources on core activities, such as crime prevention and detection, has resulted in lower priority being given to the enforcement of traffic regulations. Consequently, legislation now enables local authorities to enforce parking regulations (see

Chapters 13 and 19) [NId]. In London, where these arrangements have been implemented, the Boroughs are responsible both for the introduction of parking controls and for their subsequent enforcement. Significantly, the Local Authorities receive the income from the imposed fines to pay for the enforcement activity. This arrangement focuses overall responsibility for parking matters in each area largely within one organisation, resulting in better designed controls and improved compliance (PCfL, 1995).

The contribution that effective enforcement of traffic regulations can make to the achievement of traffic management objectives can be enhanced significantly, if enforcement is seen as an integral part of overall traffic policy. For example, the problem of drinking and driving has been tackled by a combination of police enforcement, hard-hitting media campaigns funded by the Department of Transport [Sb], local authority inputs through the education efforts of road safety officers and by encouraging public houses to provide information on bus/taxi transport facilities. Likewise, excess speed can be addressed by different agencies working on a partnership basis. Some highway authorities have decided to fund the installation of speed-detection cameras, to enable the police to achieve enforcement objectives more efficiently and effectively.

Local authorities can contribute to traffic enforcement in other ways, such as by altering the design of roads, so as to discourage speeding and thereby reduce the need for active enforcement, and by ensuring that the problems and cost of enforcement are minimised when introducing new traffic or parking regulations.

14.3 Legislative Responsibilities

The police and traffic wardens (who are part of the police service) have the primary responsibility for enforcing traffic regulations, including waiting and loading restrictions. For example, the police have power to issue Fixed Penalty Notices (FPNs) for parking and other traffic offences. They also deal with offences which involve driving-licence endorsement. Traffic wardens have more limited powers to enforce parking offences by issuing FPNs. They can also deal with some endorsable parking offences and with Vehicle Excise Act offences. They can also assist with fixed-point traffic duties (AC, 1992). Further details of powers and responsibilities are given in Section 14.5 and in Chapter 19, including reference to the particular parking control arrangements in London. In some areas, local authorities employ their own officers to enforce on-street and off-street parking controls but this does not extend to 'yellow-line' offences.

14.4 Enforcement of Speed-Limits (see Chapter 20)

Inappropriate speed for the prevailing conditions is a major cause of road accidents and better compliance with speed-limits has been shown to reduce accidents significantly. The police, who are responsible for enforcing speed-limits, use a variety of enforcement methods. A number of technical aids are also employed and generic systems have been approved by the Home Office as providing reliable evidence for prosecution purposes. Home Office 'type approval' is a requirement before any particular device can be used for enforcement. Examples are:

- ❑ hand-held radar – which is a self-contained radar device, which directs a radar beam at approaching vehicles and calculates their speed from the reflected signal. More accurate laser-beam devices are also in use;
- ❑ 35mm cameras – used at mobile or permanent sites on the roadside, which measure vehicle speeds using radar or piezometric tubes and automatically photograph vehicles exceeding the speed-limit. Offending vehicles are identified so that owners, and thence drivers, are traced through DVLA records, although this involves a significant amount of administrative work; and
- ❑ video cameras – which photograph a traffic stream continuously and which are linked to a speed-detector. The speed-detector identifies speeding vehicles and the camera 'reads' the relevant registration numbers so that, after analysis, the offending owner/driver can be prosecuted. Trials have also been held to display the registration numbers of offending vehicles on downstream variable message signs. Video cameras can also be mounted in police vehicles and on motorcycles.

14.5 Enforcement of Parking Regulations

Parking regulations are a widely-flouted category of traffic regulations and effective enforcement is essential to secure the compliance of drivers.

The responsibility for enforcement of parking regulations is divided between the police and local traffic authorities. Where a decriminalised parking enforcement regime is in place, the Local Authority is responsible for most parking enforcement (see Chapter 19) [NId].

In those areas where decriminalised powers have not been taken up, waiting restrictions are enforced by

the police, with or without the assistance of traffic wardens. Enforcement at parking places, such as meter bays, is carried out by traffic wardens, in which case the Local Authority reimburses the police for part of their costs, or by local authority-employed parking attendants. The powers of the latter are more limited than those of traffic wardens. They can issue Excess Charge Notices (ECNs) or Notices of Intent to Prosecute (NIPs) for contraventions at designated parking places but they cannot issue Fixed Penalty Notices (FPNs). Further details are given in Chapter 19.

The Road Traffic Act 1991 gives local authorities in London wheelclamping and removal powers within areas where decriminalised parking applies. Corresponding powers can be given to authorities outside London to operate a decriminalised regime, subject to approval by the Secretary of State [NI^d]. This is in addition to authorities' previously-held powers, under the Road Traffic Regulation Act 1984, to remove vehicles from designated parking places. The Road Traffic Act 1991 also empowers local authorities to impose charges on vehicle-owners before unclamping their vehicles or releasing them from the pound [NI^e]. The police also have powers to remove vehicles which are either parked in contravention of a parking or waiting Order or which are parked in a dangerous or obstructive manner.

Experience in London has shown that wheelclamping has a powerful deterrent effect, leading to a substantial improvement in compliance with parking regulations. A vehicle-removals operation can deal with fewer vehicles than a clamping operation, with similar resources, so there is less probability of an offending driver being caught. The deterrent effect is also lessened because a removed vehicle, unlike a clamped one, is not visible to other drivers. However, wheelclamping is not a suitable method of enforcement where illegally-parked vehicles are causing an obstruction or are parked so as to be a hazard to road-users. In these situations, the vehicles in question need to be removed to a vehicle pound or to a more suitable parking place in the vicinity.

The enforcement of traffic regulations can be effective only if fines or penalties, which are not paid, are followed up immediately. These usually involve fixed sums and it is important to ensure that payment arrangements are made as convenient as possible, to encourage prompt payment of fixed penalty notices.

Normally, large numbers of penalties have to be processed and sophisticated systems are required to ensure that processing is timely and efficient. Processing usually involves obtaining the name and address of the vehicle-keeper from the DVLA in

Swansea and establishing, from him or her, the identity of the driver involved in the offence [NI^f]. If the penalty is not cancelled and the driver does not pay, he or she can be prosecuted through the magistrates' court (where criminal traffic offences are involved) or pursued for payment of a civil debt (where decriminalised offences are involved).

Specialist software packages are available to streamline the processing of notices, especially for parking offences, and specialist firms also undertake this activity on a commercial basis. A number of local authorities have successfully used commercial debt-collecting agencies to improve the effectiveness of recovery of penalty payments. However, enforcement authorities should maintain strict control of the process, to ensure that any commercial firms involved comply with the highest standards in dealing with the public on their behalf.

The Road Traffic Act 1991 requires traffic authorities outside London to set the level of penalty charges (Penalty Charge Notices) at one of three specific bands. The corresponding levels adopted in London are 33% to 50% higher. A standard 50% discount is specified for payments received within 14 days (DOT, 1995) [NI^g] [Sc].

14.6 Enforcement of Other Traffic Regulations

A range of traffic regulations, other than those related to parking and speeding, require high compliance levels for safety (eg banned turns) or to promote policy objectives (eg bus-only lanes). The introduction of more sophisticated control measures, such as lorry permits and other entry-permit systems aimed at imposing charges and/or restricting the types or levels of traffic in an area, require careful consideration of the related enforcement issues (see Chapter 21). This will include methods to be used to identify individual vehicles, in order to establish whether or not they fall into the category covered by any restrictions in force. For example, difficulties have been experienced in enforcing bus and taxi-only lanes in towns where taxis look like ordinary saloon cars. Examples of 'other' control measures are:

- ❑ video-cameras, mounted on buses, to monitor and enforce the use of bus-only lanes;
- ❑ the use of dynamic weighbridge/video cameras to enforce weight restrictions;
- ❑ the use of infra-red detectors to prevent bridge strikes by high-sided vehicles; and
- ❑ the use of video cameras to ensure proper use of level crossings on railway lines.

14.7 Design Issues

Whenever possible, traffic schemes should be designed to minimise the need for enforcement. The enforcement of traffic regulations takes up resources, which could be used to combat other more serious crimes, and represents a continuing financial cost to society. Measures which are self-enforcing are therefore more likely to be both operationally efficient and cost-effective. Traffic schemes should aim to 'design out' both the ability and the inclination of drivers to commit traffic offences. Examples include:

- ❑ traffic calming schemes such as speed humps, speed tables, chicanes and rumble strips (see Chapter 20), which make it difficult and uncomfortable to drive at excessive speed;
- ❑ measures, such as traffic islands and kerb realignment, designed to prevent or deter prohibited movements;
- ❑ carefully placed bollards and other street furniture used to enforce road closures, lorry bans and parking restrictions; and
- ❑ guardrailing used to discourage illegal kerb-side parking.

It is important to consult the police at the design stage, to seek their views on any proposals. This applies equally to traffic measures considered to be largely self-enforcing, as well as to those where police enforcement will be necessary to ensure compliance.

Clear and correct signs and road markings are necessary for drivers and other road-users to understand the traffic regulations and to abide by them. Particular attention should be paid to the design and maintenance of regulatory, prohibitory and warning signs. The absence of clear signing can make traffic regulations technically unenforceable. Signing which is over-complicated, and therefore not easily understood by drivers, contributes to the degree of non-compliance and adds unnecessarily to the burden of enforcement agencies. Drivers are also more likely to resent enforcement action attempted in such circumstances.

14.8 Financial Considerations

The enforcement of traffic regulations is intended to achieve better compliance, the benefits of which can be quantified in terms of a reduction in accidents and other benefits. Enforcement activity should be targeted so as to maximise these benefits at an acceptable cost. Traffic authorities should consider monitoring compliance levels, as part of their regular monitoring of traffic conditions in their areas.

Revenue considerations should not determine policy but need to be considered, together with the benefits of achieving compliance, in deciding on the appropriate level of resources to be allocated to traffic and parking enforcement. In general, the cost of enforcement rises in direct proportion to the amount of resources deployed, for example hours of patrolling by traffic wardens. The total revenue from fines, which may or may not accrue to the enforcing authority, also increases as more enforcement resources are deployed. However, the amount of additional revenue generated as enforcement levels are enhanced is likely to decrease as compliance improves. Ultimately, there must be a point at which enforcement is so effective that drivers are deterred from offending and revenue from fines becomes minimal. Other revenue considerations might include, for example, an increase in revenue from legitimate paid-for parking as unlawful parking is deterred by increased enforcement levels and, in the case of increased enforcement of speed-limits, a reduction in police and health service costs as the number of accidents decreases. Effective enforcement of traffic regulations, by whatever agency, requires clear funding mechanisms, if it is to achieve its true potential in road safety and traffic management.

14.9 Possible Future Changes

The Road Traffic Act 1991 empowers local authorities to take over, from the police, most of the responsibility for the enforcement of parking regulations [NIId]. There is also scope for change in the role of the police in other traffic-related duties, such as escorting abnormal loads, dealing with broken-down and abandoned vehicles, policing roadworks and obstructions, accident investigation, tachograph examination, excise licence checks and some routine traffic patrols (HMG, 1995). However, there are wider issues involved in granting enforcement powers to agencies other than the police, especially if this requires stopping vehicles on the road. Careful consideration has to be given to such issues in evaluating the feasibility of any changes and this is a matter for central government.

Significant scope exists for new technology to be used in traffic enforcement. Cameras are already used to detect speeding offences and red-light violations at traffic signals. Video cameras have also been used to enforce bus-lanes and weight-limits and closed-circuit television (CCTV) could be used to enhance enforcement at signal-controlled junctions. Developments in intelligent image-analysis may enable the widespread use of cameras to detect a number of different traffic offences, using automatic vehicle detection/number plate

recognition systems perhaps linked to coded tags or electronic number plates. Furthermore, if electronic charging for road-use is introduced, it is likely that the identification and enforcement systems for such a regime would make the enforcement of other offences easier and more effective.

14.10 References

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14.11 Further Information

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