

<b>Section 151 Finance cleared on:</b>	24/02/21
<b>Legal cleared on:</b>	22/02/21
<b>Executive Director cleared on:</b>	26/02/21
<b>Cabinet Member cleared on:</b>	01/03/21

**SURREY COUNTY COUNCIL**

**CABINET**

**DATE:** 30 MARCH 2021

**REPORT OF:** MR MATT FURNISS, CABINET MEMBER FOR TRANSPORT

**LEAD OFFICER:** KATIE STEWART – EXECUTIVE DIRECTOR FOR ENVIRONMENT, TRANSPORT AND INFRASTRUCTURE

**SUBJECT:** MANAGEMENT AND ENFORCEMENT OF HGV WEIGHT RESTRICTIONS, 'HGV WATCH'

**ORGANISATION STRATEGY PRIORITY AREA:** Growing A Sustainable Economy So Everyone Can Benefit, Enabling A Greener Future and Empowering Communities



**SUMMARY OF ISSUE:**

Heavy Goods Vehicle (HGV) weight restriction orders are made by the council as part of Surrey's network management responsibilities. They can be introduced for safety reasons, perhaps to help protect a weak bridge, or for environmental reasons to prevent unsuitable roads and areas being used by large goods vehicles.

The enforcement of HGV weight restrictions has historically been the responsibility of both Surrey County Council and Surrey Police. This report sets out the challenges involved with the current enforcement process and seeks agreement for a new HGV Weight Restriction Enforcement Policy 'HGV Watch' that will empower local communities and make the best use of the resources available for this task within the police and council services.

**RECOMMENDATIONS:**

It is recommended that Cabinet:

1. Agree the adoption of an HGV Weight Restriction Enforcement Policy in the form of 'Surrey HGV watch' as described;
2. Delegate agreement of the detailed operational policy to the Director for Highways and Transport in consultation with Surrey Police and the Cabinet Member for Highways;
3. Agree twice yearly progress reports are provided to the Cabinet Member for Highways; and

4. Confirms their support for a change in Government policy to allow councils outside London to enforce moving traffic offences by camera to help improve road safety, reduce congestion and protect the environment.

#### **REASON FOR RECOMMENDATIONS:**

The recommendations above will enable the council to help achieve some of its Community Vision 2030 objectives, including that:

- Residents live in clean, safe and green communities, where people and organisations embrace their environmental responsibilities; and
- Journeys across the county are easier, more predictable and safer.

In addition, as part of our organisational strategy, Surrey County Council wants to work in partnership with residents, businesses, partners and communities to collectively meet challenges and grasp opportunities. A new HGV Watch policy that helps enforce HGV weight restrictions could encourage residents to be proactive in their local areas in working with the council and the police in tackling the environmental impacts that inappropriate HGV movements have on our communities.

An HGV watch scheme will help focus the resources available to the police and council for the enforcement of HGV restrictions in the most effective way and in a way that will have the greatest impact on driver awareness and potentially compliance.

#### **DETAILS:**

##### **Background**

1. There are 29 structural and 62 environmental HGV weight restriction on the Surrey road network.
2. These restrictions were introduced by Surrey County Council (SCC), as the local highway authority, to help protect bridges and environmentally sensitive areas from the passage of large HGVs. It should be noted that all vehicles over 3.5 tonnes that are specifically constructed to carry goods require an operator's licence, and of those vehicles, *heavy* goods vehicles weigh over 7.5 tonnes.
3. Structural weight restrictions are intended to help protect bridges or other highway features that could be damaged by the weight or size of continuous HGV traffic. The restriction usually applies over a short length (such as a bridge), and there are generally no exemptions for access because of the safety related requirement for the restriction. The weight restriction imposed can vary but will be based on a technical assessment to determine measures needed to prevent the long-term deterioration of the highway structure.
4. Environmental restrictions are introduced to help protect rural or urban areas that are unsuitable for HGVs because their layout or the surrounding environment cannot safely accommodate or is unsuitable for HGV traffic. An example might be an historic town centre with narrow streets and pavements or a country lane that could be used as a short cut between two main roads/towns. Environmental HGV restrictions can also be applied over large areas, forming a zone. Generally, these environmental restrictions are targeted at heavy goods vehicles over 7.5 tonnes, which would typically include vehicles with 3 or more axles (and some with 2 axles).

5. Most environmental HGV restrictions will have exemptions for access to operating centres or for deliveries. This will remove the through traffic but still allow local businesses, for instance, to operate as normal. It is more difficult to enforce environmental HGV restrictions because they tend to cover larger areas and consequently have more exemptions for vehicles permitted to enter the restriction.

### **Enforcement of HGV Weight Restrictions**

6. HGV weight restrictions are imposed by the highway authority by means of a Traffic Regulation Order (TRO) under the Road Traffic Regulation Act 1984. This process must also consider the alternative routes for vehicles that will be affected. Exemptions can be made in the TRO to allow loading and deliveries within the restricted area as local circumstances require. HGV traffic above the weight limit prescribed by the order would be expected to use alternative (and more appropriate) routes to their destination.
7. The enforcement of these restrictions has traditionally been a police responsibility because they have powers under the Road Traffic Act that allow them to stop and inspect vehicles and enforce highway regulations as appropriate. A Fixed Penalty Notice (FPN) can be issued by the police to the driver of a vehicle that is in contravention of a TRO such as an HGV weight restriction. However, Surrey Police have to prioritise their enforcement resources to promote safety on the highway and reduce danger to the public. As a result, enforcement of environmental restrictions cannot always be prioritised to the same degree as casualty reduction work.
8. The council, as the highway authority, can enforce restrictions on the highway imposed by a TRO, but by a more complex procedure, and this has, for weight restrictions, traditionally been the remit of Trading Standards. Critically, council officers do not have powers to stop vehicles at the roadside, so enforcement would rely on evidence gathering and an 'after the event' summons to court that could take many months to materialise due to the process involved.
9. In recent years, Surrey Police and SCC's Trading Standards have carried out combined HGV enforcement days at several sites around the county, although this work has recently been interrupted by the pandemic. For both services, capacity to devote to this work is limited, meaning this type of activity is only possible for two or three days per year countywide. The focus of such days is as much about education as enforcement.
10. Local authorities outside London do not have powers to enforce moving traffic offences using cameras (except in respect of bus lanes). These powers are contained in Part 6 of the Traffic Management Act (TMA 2004), which the Government has not fully enacted. Traffic cameras could provide an effective deterrent and a long-term solution for many (but not all) weight restriction sites if their use was permitted by the Government.
11. In the meantime, and under current powers available to the council, enforcement of HGV restrictions via criminal proceedings at a magistrate's court could not be delivered on the scale or frequency required to make a significant difference to driver behaviour across the county.

## Proposal – ‘HGV Watch’

12. Whilst the highways authority’s powers and partners capacity for enforcement are relatively limited, the effectiveness of them can be strengthened working in partnership with the local community – particularly in building the evidence that is so important to being able to apply that enforcement. There are a number of parish councils and residents’ groups around the county who are proactive in terms of monitoring compliance with existing HGV restrictions – which can help to direct the limited resources and powers that partners have to greatest effect. Chobham Parish Council are a good example. They have set up an ‘HGV Watch’ scheme whereby, in September 2020, local residents volunteered to monitor HGVs travelling through Chobham High Street, which has a 7.5 tonne weight restriction.
13. The volunteers recorded HGVs and identified the weights of suspect vehicles via the YouGov vehicle enquiry service, and to follow up, where possible, they contacted the vehicle operator. The trial scheme has had some success, firstly identifying significant numbers of HGVs contravening the weight restriction, and secondly receiving some positive feedback from HGV operators about the corrective action they intend to put in place for their staff and drivers. There was also a low (less than 5%) repeat offender rate within the 63 hours of observation.
14. The relative success of the Chobham HGV watch trial indicates what is possible if local volunteers are prepared to gather information about HGV movements in their areas. This data can then be used to target the available resources of the police and council more effectively.
15. It is therefore proposed that the County Council sets up a Surrey wide HGV watch scheme in partnership with Surrey Police. The scheme would be operated by SCC Highways who would train, co-ordinate and communicate with volunteer groups and HGV operators to improve the awareness of and compliance with these restrictions. Surrey Police resources may then be aimed at tackling repeat offenders to help increase the deterrent effect.
16. The scheme would work in a similar way to Community Speedwatch but be applied to HGV weight restrictions as follows:
  - a) SCC Highways would identify an HGV watch coordinator and manage the scheme which would involve co-ordinating volunteers from local communities to do the HGV ‘watching’. Volunteers would be inducted, trained and provided with equipment to carry out their role.
  - b) The volunteer groups would monitor existing weight restrictions in their areas and gather information about HGVs exceeding the weight restriction. Their observation activity would be based on local knowledge of the area and road traffic conditions.
  - c) The information collected would be sent to the SCC Highways HGV watch co-ordinator who would identify the HGV operators and check the vehicle classifications on the YouGov vehicle enquiry service. The owners/operators of vehicles that were thought to be contravening the weight restriction would then be contacted as follows:
    - First offence – explanatory/warning letter from SCC Highways

- Second offence - warning letter from Surrey Police/Highways – action may be taken if a further offence observed
  - Third offence - final letter sent giving 'strong advice' regarding the consequences of further offences and in addition a phone call or visit to the HGV operator by Surrey Police will be arranged. Enforcement action may be carried out by either the police or SCC if the data collected indicates specific enforcement action could be successful.
- d) The SCC HGV watch coordinator would monitor the overall numbers of contraventions by either specific vehicles or companies/operators to build a picture of the compliance level with weight restrictions over time in each area.
17. The most significant indicator of success for this project will be, through greater awareness, a reduction in the numbers of contravening HGVs over time and improved compliance of weight restrictions. This data would be evident from the observations made by HGV watch groups over time and if compliance improved, observation activity could be reduced.
18. The SCC HGV watch co-ordinator will send regular feedback to the HGV watch groups highlighting the outcome of their work and successes. It may also be possible to erect HGV watch road signs when groups are formed (similar to Neighbourhood Watch) and these could also act as a deterrent. The regulatory and warning signs of existing weight restrictions can also be reviewed for effectiveness as required.
19. Over time, if sufficient HGV watch volunteer groups were formed, there could be a much wider impact on driver awareness of weight restrictions resulting in better compliance.
20. Information gathered by HGV watch volunteers could help inform a policy for the enforcement of moving traffic offences if this is permitted in the future. This would be subject to a separate policy and cabinet approval process.
21. In addition to the above scheme, it is proposed that the Council makes a formal representation to the Government to encourage the introduction of powers to enforce moving traffic offences using cameras (except in respect of bus lanes) to all local authorities in England, as is currently contained in Part 6 of the Traffic Management Act (TMA 2004), but which have just not been fully enacted. It is important that the council seeks these powers as they will enable much more of a step change in the council's ability to enforce these restrictions effectively.

#### **CONSULTATION:**

22. Surrey Trading Standards Team, Surrey Police and The Police and Crime Commissioner are supportive of the proposal to set up an HGV Watch scheme. The operational details of the scheme are currently being agreed with Surrey Police.

#### **RISK MANAGEMENT AND IMPLICATIONS:**

23. There is a risk that local communities may not want to engage with an HGV watch scheme, however there are already individuals and resident groups actively reporting HGV activity to SCC and Surrey Police so this is unlikely. The formalisation of an HGV

enforcement policy should incentivise and therefore potentially lead to more volunteer groups forming, particularly if positive feedback from early successes can be reported.

24. There may be increased requests to introduce environmental HGV restrictions around the county or set up HGV watch schemes where restrictions do not exist. As is currently the case, new HGV restriction requests would need to be assessed on their merits and the availability of funding before being taken forward. They would also need to comply with the new emerging demand management for goods vehicles policies and the Reduce – Shift – Improve principles being developed as part of the new *Surrey Local Transport Plan 4 – Fit for the Future* which will be subject to a statutory consultation process in Summer / Autumn 2021 before implementation.
25. It is important to remember that freight and deliveries are an essential part of the economy but this policy should not affect journeys made along appropriate routes and where weight restriction traffic orders are required they should allow appropriate access for deliveries.

#### **FINANCIAL AND VALUE FOR MONEY IMPLICATIONS**

26. It is anticipated that, when up and running, the HGV watch scheme can be managed by an 0.5 FTE based in the Local Highways Group, which could be accommodated within the existing highways revenue budget.

#### **SECTION 151 OFFICER COMMENTARY**

27. Although significant progress has been made over the last twelve months to improve the Council's financial position, the medium-term financial outlook beyond 2021/22 remains uncertain. The public health crisis has resulted in increased costs which may not be fully funded. With uncertainty about the ongoing impact of this and no clarity on the extent to which both central and local funding sources might be affected in the medium term, our working assumption is that financial resources will continue to be constrained, as they have been for the majority of the past decade. This places an onus on the Council to continue to consider issues of financial sustainability as a priority in order to ensure stable provision of services in the medium term. The proposals in this report could be delivered within existing approved budgets, and as such the Section 151 Officer supports the recommendations.

#### **LEGAL IMPLICATIONS – MONITORING OFFICER**

28. SCC can enforce weight restriction TROs under S222 of the Local Government Act 1972 and prosecute HGV drivers or operators at a Magistrate's Court where legal advice and evidence supports this. Clear strong evidence is the key. Additional resources would need to be made available to support this positive action as prosecutions can be time consuming requiring meticulous preparation. While fines, retained by the court, are likely to be modest, the willingness of the Police and County to prosecute persistent offenders could send a credible deterrent to rogue operators.
29. Surrey Police can issue Fixed Penalty Notices (FPN's) under the Road Traffic Act to vehicles that contravene a local TRO, including weight restrictions. However, they must still gather evidence to be able to prove in court that an HGV was in contravention of a TRO should the FPN be challenged.

30. Part 6 of the Traffic Management Act 2004 contains legislation that allows local authorities to enforce moving traffic offences by camera; however, in England, only London authorities currently have these powers.

31. HGV watch volunteers will be inducted and trained to operate as safely as possible using best practice and experience gained by Community Speedwatch. They will also be covered by the County's public liability insurance.

#### **EQUALITIES AND DIVERSITY**

32. A full Equality Impact Assessment is not considered necessary for this policy because it does not impact any protected characteristic groups.

#### **OTHER IMPLICATIONS:**

33. The potential implications for the following council priorities and policy areas have been considered. Where the impact is potentially significant a summary of the issues is set out in detail below.

<b>Area assessed:</b>	<b>Direct Implications:</b>
Corporate Parenting/Looked After Children	No significant implications arising from this report
Safeguarding responsibilities for vulnerable children and adults	No significant implications arising from this report
Environmental sustainability	See below.
Public Health	No significant implications arising from this report but see below

#### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

34. A new policy that can help improve compliance with existing HGV weight restrictions should have a positive environmental impact, potentially reducing damage as well as increasing air quality and safety on parts of the highway network that are unsuitable for HGVs.

#### **WHAT HAPPENS NEXT:**

35. The process for operating an HGV watch scheme will be finalised with Surrey Police by the end of April and an SCC HGV watch co-ordinator appointed when the process is agreed.

36. In the meantime, equipment for volunteers can be ordered, web pages set up and letter templates finalised.

37. The training and operating process for volunteers will need to take account of coronavirus regulations, and as a result may not be fully operational until the summer.

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**Consulted:**

**Surrey Police, Surrey Police and Crime Commissioner, Deputy Leader, Trading Standards**

**Annexes:**

None

**Sources/background papers:**

None

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