

DERBYSHIRE COUNTY COUNCIL

MEETING WITH CABINET MEMBER, HEALTH AND COMMUNITIES

7 July 2015

Report of the Strategic Director, Health and Communities

**ENFORCEMENT OF ENVIRONMENTAL WEIGHT RESTRICTIONS
IN DERBYSHIRE 2014-15**

1 Purpose of the report:

To inform the Cabinet Member, Health and Communities of action taken during the previous year to enforce weight restrictions which limit the access of heavy goods vehicles to certain locations; to seek the Cabinet Member's endorsement of the current compliance policy with regards to weight restriction enforcement.

2 Information and analysis:

- 2.1 Road Traffic legislation – specifically the Road Traffic Regulation Act 1984 makes it an offence for Heavy Goods Vehicles (HGV's) with a maximum gross weight of more than 7.5 tonnes to breach an environmental weight restriction. There are hundreds of weight restrictions in place on the county's roads to protect local communities from the disruption and damage caused by goods vehicles travelling along unsuitable routes. The maximum gross weight is the legal maximum weight of the vehicle plus its load that is permitted. This weight varies according to the size of the vehicle from 3.5 tonnes for something like a transit van up to 44 tonnes for the largest vehicles. As well as environmental weight restrictions, the county council – as a Highways Authority – has the power to impose a structural weight restriction – typically for bridges – where HGV's might cause damage. The offence of breaching a weight restriction applies to vehicles with a maximum gross weight of more than 7.5 tonnes (or whatever the restriction is – typically 3 tonnes for structural restrictions) regardless of how much the vehicle actually weighs.
- 2.2 Unlike other trading standards legislation, there is no duty placed on the Authority to enforce the legislation. In other words, the local authority cannot be criticised or be accountable to the Local Government Ombudsman for failing to enforce the provisions of the legislation. However, given the impact on local communities, the Trading Standards Division continues to carry out proactive checks and responded to complaints from members of the public alleging breaches of weight restrictions by HGV's. The number of checks carried out by the Division has declined in line with a reduction in resources, but we seek to carry out checks in those areas of the county generating the most complaints and work closely with Police and Highway Division colleagues to ensure that complaints are captured and responded to where resources allow.

2.3 Derbyshire County Council's Highways Division is responsible for setting up weight restrictions in the county. There is a legal process and for a weight restriction to be enforceable, the authority has to demonstrate that it has followed the correct process as set out in the Road Traffic Order. The process includes consultation with relevant parties and consideration of the following criteria:

- to prevent damage to the highway infrastructure (carriageway, footways, street furniture, etc) and buildings;
- protect the character and environment of rural areas, villages and residential estates;
- manage congestion on our roads;
- reduce risks to vulnerable road users, including pedestrians and cyclists.

Further details are available on the DCC website via the following link:

http://www.derbyshire.gov.uk/transport_roads/roads_traffic/traffic_management/freight_management/weight_limits/default.asp

2.4 The Division received 505 complaints about breaches of weight restrictions during 2014/15 which represented an increase of 5.6% compared to 2013/14 (478 complaints) and 17.8% compared to 2012/13 (415 complaints). The Division carried out 24 checks which identified 191 potential infringements. This compares to the detection of 141 breaches following 23 checks in the preceding year.

2.5 Prosecutions were taken as a result of breaches of the following weight restrictions:

- Stanton-by-Bridge,
- Breadsall
- Stanton-by-Dale
- West Bank at Winster (3)
- Winster village.

The Courts imposed fines totalling £1,400 and awarded costs to the authority of £805. Full details of enforcement activity conducted during 2014-15 and highlighting the action we've taken in those areas generating the most complaints is provided in Appendix 1 to this report. Also included is a table which identifies the weight restrictions generating the most complaints.

2.6 It should be noted that not all HGV's observed in a restricted area will be in breach. There are a number of exemptions including:

- vehicles making deliveries or collections at premises within the restriction
- vehicles working on or near the roads in question
- emergency service and military vehicles
- buses, coaches and other public service vehicles.

2.7 Members of the public who are concerned about HGV's breaching weight restrictions are encouraged to provide details to the Trading Standards Division.

The essential information required is the date and time and registration details of the vehicle concerned. This enables us to identify the owner of the vehicle and seek an explanation from them as to why the vehicle was travelling along a restricted area. Often it is individual drivers who are responsible for the breach, but on occasions – such as an existing haulage company or a new development – there are local issues that can be addressed by talking to the relevant business, in which case any vehicle livery that identifies the company concerned can also be useful information. Local residents can submit details to us via an on-line form available via the following link:

<http://forms.derbyshirepartnership.gov.uk/tempdocs/000001588/61865.HTM>

- 2.8 When a vehicle is observed breaching a weight restriction without a legitimate reason (for example to deliver or collect goods in the restricted area) both the driver and operator of the vehicle are potentially guilty of an offence. Given that the driver is actively responsible for a vehicle contravening a restriction, Operators are not usually charged unless there is an element of responsibility or negligence in respect of their drivers' actions. In line with the Division's compliance policy, unless either party has previously been warned, the person or persons responsible will be given a written warning. It is proposed that this policy is endorsed together with the current strategy of targeting those weight restrictions generating the most complaints from local residents.

3 Other considerations:

In preparing this report the relevance of the following factors has been considered; financial, legal, prevention of crime and disorder, equality of opportunity; and environmental, health, human resources, property and transport considerations.

4 Background papers:

None

5 Key Decision:

No

6 Call-in:

Is it required that call-in be waived for any decision on this report? No

7 Officer's recommendation:

That the Cabinet Member, Health and Communities notes the activity to tackle breaches of weight restrictions in Derbyshire and endorses the proposed policy towards enforcement.

David Lowe
Strategic Director
Health and Communities

Trading Standards Project Report; Weight Restriction Enforcement in Derbyshire 2014-15

Actions taken in respect of 'priority' locations

West Bank, Winster: During two months of the year an 'enforcement exercise' was mounted where operators and/or drivers were issued with warning letters for contraventions of the 3.5 tonne restriction on the road. Vehicles over 25 tonnes were also reported with a view to further enforcement action. As a result of this activity 116 letters of warning were sent out, five Simple Cautions issued and three drivers were prosecuted (fines totalling £857 were imposed with costs to the Authority of £345). Two further drivers are appearing in court in June for offences committed during the financial year. In addition, photographic evidence provided by a resident was used to identify offenders who were sent an advisory letter. Photographic evidence is still being provided and is being used to send advice letters and for further enforcement action where vehicles exceed 25 tonnes or drivers/companies have previously received a warning. This location is ideal for the use of camera recording as the restricted route is very short and there are few locations to which drivers could be legitimately gaining access. It would not be possible to employ camera recording in a location such as Stanton-by-Dale, for example, where the restricted area is quite large, has numerous access points and several locations where drivers could be delivering legitimately.

Stanton-by-Dale: Four enforcement checks were conducted during the year and 10 breaches were detected. As a result of these, one driver was prosecuted (fined £165 with £115 costs), two drivers were issued with Simple Cautions and nine Letters of Warning were issued. Advisory letters were sent to the operators of all vehicles reported by residents,

Butts Road, Ashover: An enforcement check was conducted during the year and one breach was detected which resulted in a Letter of Warning to the driver. Advisory letters were sent to the operators of all vehicles reported by residents. The fact that Butts Road is a separate restriction within a larger environmental restriction has led to some operators still thinking they had 'legitimate access' and could travel along Butts Road if they were delivering in the village of Ashover. Consequently, our standard advisory letter is now being amended in relation to breaches at this location by the addition of a paragraph explaining the situation. A map of the area is also being enclosed, showing the correct route HGVs should take to avoid Butts Road even if they have a legitimate reason for being in the village.

Redgate, Padfield: Advisory letters were sent to the operators of all vehicles reported by residents. The 7.5 tonne restriction on Redgate at Padfield is in place to prevent large HGVs, generally articulated vehicles, from using the route to access industrial premises on Platt Street, predominantly Glossop Carton & Print and Esquire Glass. Unfortunately, the correct and signed route to access Platt Street has a 14-foot high bridge and many of the vehicles accessing these premises are over this height. There are alternative routes but there is a lack of awareness of these by operators. Accordingly, our standard advisory letter is again being amended in relation to

breaches at this location by the addition of a paragraph explaining the situation. A map of the area is also being enclosed, showing the correct route HGVs should take to access Platt Street and the alternative routes should they be over-height, thus avoiding Redgate.

Summary of all Activities Undertaken:

- 24 reactive checks were undertaken during the year at 'high risk' sites
- Complaints from residents identifying specific vehicles breaching weight restrictions were investigated and, where it was possible to trace the operator, advisory letters sent informing them of the alleged breach;
- General complaints regarding HGVs breaching restrictions were used in conjunction with specific complaints above as an aid to targeting enforcement checks;
- Continued involvement in the capital project for installing a camera enforcement system on Swarkestone Causeway;
- Repeat offenders or those where there were aggravated circumstances reported for further action and, where appropriate, prosecuted.

Results:

- 111 potential breaches were detected, of which 24 are still under investigation;
- 10 of the completed breaches were dealt with by the Police, nine drivers received a Fixed Penalty Notice and one driver was given a Verbal Warning;
- Of the remaining 157 completed investigations, 133 breaches were dealt with by means of Warning Letters, eight resulted in No Further Action, five drivers received a Simple Caution, seven drivers were prosecuted and 4 reports against drivers are awaiting a final decision;
- A total of 190 Warning Letters were issued – in 56 cases, both driver and operator received a Warning Letter; in six cases, only the operator received a Warning Letter and in 72 cases, only the driver received a Warning Letter;
- A total of 505 complaints were received during the year compared to – compared to 478 for 2013-14 and 415 for 2012-13. This represents an increase of 5.6% from 2013-14 and 17.8% from 2012-13.
- There was an increase of 30% in breaches detected for roughly the same level of activity when compared to previous year; 183 breaches in 24 checks compared with 141 breaches detected during 23 checks in 2013-14.

Summary of any infringements:

149 confirmed contraventions were dealt with by the Department; 132 were dealt with by means of Warning Letters to drivers and/or operators and five of which were dealt with by means of a Simple Caution to the driver. Seven prosecutions were taken against drivers in line with Departmental Compliance Policy. One prosecution related to a breach in the village of Stanton-by-Bridge; one in Breadsall; one in Stanton-by-Dale three on West Bank at Winster and one in Winster village. The Courts imposed fines totalling £1,400 and awarded costs to the authority of £805.

Conclusion:

Remains an important area of work, even though not a statutory function, which

attracts support and interest from both stakeholders and residents in affected areas the length and breadth of the county.

Liaison continuing with Economy, Transport and Environment (ETE) in relation to signage, wording of Orders etc. and in regard to the ongoing project to install ANPR cameras on Swarkestone Causeway to capture details of offending vehicles. ETE are currently in negotiations with the Police with regard to the use of the Police back-office function to issue fixed penalty notices to drivers caught contravening the restriction on the Causeway.

Complaints about breaches of weight restriction 2012/13 to 2014/15

Location of Weight Restriction	2011/12	2012/13	2013/14	2014/15
West Bank, Winster (3.5 tonnes)	63	55	68	250
Stanton-by-Dale	85	118	128	81
Ashover (incl. Butts Road)	0	0	0	53
Redgate, Padfield	0	0	0	32
Winster Village (7.5 tonne)	16	8	9	14
The Handleys, Chesterfield	40	202	92	14
Breadsall Village	11	11	4	11
Swarkestone Causeway	8	11	14	10
B6013 Higham	1	0	2	4
B6054 Holmesfield	12	2	3	3
Harpur Hill Rd., Buxton	47	4	10	3
One Arch Bridge, Chatsworth	0	0	0	2
Alport/Youlgrave	7	7	1	2
B6050/1 Cutthorpe/Millthorpe	5	7	58	2
Stanton Lees/Pilhough	0	0	0	2
Scropton Village	0	2	15	1
Repton Village	7	4	13	1
Hilton Village	0	3	1	1
Woodville Road, Overseal	0	0	0	1
Steep Turnpike, Matlock	0	0	0	1
Moirs Road, Woodville	0	0	0	1
Mill Lane, Bolsover	0	3	3	0
TOTAL OF TOP 20	302	437	421	489