

DERBYSHIRE COUNTY COUNCIL

MEETING OF CABINET MEMBER – HEALTH AND COMMUNITIES

07 June 2018

Report of the Strategic Director – Commissioning, Communities and Policy

**ENFORCEMENT OF ROAD WEIGHT RESTRICTIONS IN
DERBYSHIRE 2017-18**

1. Purpose of Report

To inform the Cabinet Member of action taken during the previous year to enforce weight restrictions which limit the access of Heavy Goods Vehicles (HGVs) to certain locations.

2. Information and Analysis

Road Traffic legislation, specifically the Road Traffic Regulation Act 1984, makes it an offence for Heavy Goods Vehicles (HGVs) 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 large goods vehicles travelling unnecessarily along unsuitable routes. The maximum gross weight (MGW) is the maximum legally-permitted weight of a vehicle including its load. This varies according to the size of the vehicle from 3.5 tonnes, for a Transit-type van, up to 44 tonnes for the largest articulated vehicles. As well as environmental weight restrictions, the County Council, as a Highway Authority, has the power to impose structural weight restrictions (typically for bridges) where HGVs might cause damage. The offence of breaching a weight restriction is based on the MGW of the vehicle regardless of whether it is carrying a load or not.

Unlike most other trading standards legislation, there is no duty placed on the Council to enforce this legislation. However, given the impact on local communities, the Trading Standards Division has continued to respond to complaints from members of the public alleging breaches of weight restrictions by HGVs. Most breaches investigated arise as a result of sightings reported by concerned residents. The Division works closely with Police and Highway Division colleagues to ensure that complaints are captured and responded to where resources allow.

The Council's Highways Division is responsible for establishing weight restrictions in the county. There is a legal process and for a weight restriction to be enforceable, the Council 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 the County's roads; and
- reduce risks to vulnerable road users, including pedestrians and cyclists.

Further details are available on Derbyshire County Council's website via the following link:

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

The Division received 858 complaints about breaches of weight restrictions during 2017-18 which represents an increase of 378 (78.75%) compared to the previous year (480 complaints). Details of the complaints received are provided in an appendix to this report. Where residents provide information of breaches, supported by photographic evidence, and are willing to provide a witness statement, incidents will be investigated with a view to a formal report where the MGW of the vehicle exceeds four times the weight limit or where the driver and/or operator has previously received a letter of warning, caution or been prosecuted.

A total of 112 breaches were investigated during the year, compared to 64 during the previous year which represents an increase of 48 (75%). Of these, 36 resulted in prosecution (14 of which were awaiting results at the end of the year) and five cautions, 32 letters of warning and two Police cautions were issued. Six have been reported and are awaiting a decision, 12 are currently under investigation and 19 resulted in no further action. The table below shows details of the breaches identified during the financial year:

Table 1 Breaches investigated 2017-18

Location of Weight Restriction	Breaches Reported
Swarkestone Causeway	36
West Bank, Winster (3.5 tonne)	32
Stanton-by-Dale/Dale Abbey	13
Main Street, Winster (B5057)	7
Buckford Lane Bridge, Findern (3 tonne)	6
Breadsall Village	5
B6013 Oakerthorpe	5
Youlgrave Village	2

Walton-on-Trent/Catton	2
Bailey Bridge, Walton-on-Trent (3 tonne)	1
High Street, Alfreton	1
Old Brampton	1
New Mills	1
Total	112

Not all HGVs observed within a weight restriction area will be there unlawfully. There are a number permitted exemptions including:

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

When a vehicle is used unlawfully on a weight-restricted road, both the driver and operator of the vehicle are potentially guilty of an offence. Given that the driver is in physical control of the vehicle, operators are not usually charged unless there is an element of consent or negligence on their part which contributes to the use.

The County Council has a range of sanctions available to it following the discovery of a breach of legislation, which includes letters of warning to both vehicle driver and operator through to prosecution. 29 prosecutions were concluded during the year (including seven outstanding from 2016-17) resulting in the Courts imposing fines totalling £5,452 and awarding some £3,335 prosecution costs. The table below shows the number of breaches that resulted in prosecutions by weight restriction:

Table 2 Prosecutions concluded in 2017-18 by weight restriction

Weight Restriction	Prosecutions
Swarkestone Causeway	11
West Bank, Winster (3.5 tonne)	8
Buckford Lane Bridge, Findern (3 tonne)	6
Stanton-by-Dale	2
Winster Village (B5057)	2
Total	29

Members of the public who are concerned about HGVs breaching weight restrictions can contact the Trading Standards Division using an online form available via the following link:

https://www.derbyshire.gov.uk/business/trading_standards/weight_restrictions/weight_restriction_reporting/default.asp

The essential information required is the date and time and registration details of the vehicle concerned. This enables officers to identify the owner of the vehicle and seek an explanation from them as to why the vehicle was travelling within a weight restriction. Other information, such as vehicle manufacturer and operator names, help to confirm an incident or, on occasion, allow officers to deal with localised problems where a particular haulage business or location (such as a building development, freight depot or an industrial site) is involved.

3. Key Decision

No

4. Considerations

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

5. Call-In

Is it required that call-in be waived in respect of the decisions proposed in the report? No

6. Background Papers

Held on file within the Commissioning, Communities and Policy Department. Officer contact details – Robert Taylour, extension 39830.

7. OFFICER'S RECOMMENDATION

That the Cabinet Member notes the report.

Emma Alexander
Strategic Director – Commissioning, Communities and Policy

Appendix – Number of Complaints alleging breaches of Weight Restrictions by weight restriction area, Derbyshire 2015-16 to 2017-18

	Location of Weight Restriction	2015-16	2016-17	2017-18
1	West Bank, Winster (3.5 tonne)	280	167	226
2	Stanton-by-Dale	133	131	166
3	Bailey Bridge, Walton-on-Trent (3 tonne)	0	0	123
4	Church Street, Glossop	0	0	97
5	New Mills	0	0	67
6	Swarkestone Causeway	5	11	35
7	Oaks Road/Hall Lane, Willington	0	1	31
8	B5057 Main Street, Winster	8	11	20
9	Walton-on-Trent/Catton	0	0	18
10	Buckford Lane Bridge, Findern (3 tonne)	0	30	17
11	Birchwood Lane, South Normanton	0	33	9
12	Thorpes Road/Lockton Avenue, Heanor	2	9	8
13	Stanedge Road, Bakewell	0	0	8
14	Coton-in-the-Elms	2	0	8
15	Ashover (including Butts Road)	43	11	5
16	Alport/Youlgrave	13	9	5
17	Bretby Road, Burton-on-Trent	0	2	3
18	Stanton-in-Peak/Pilhough	8	4	2
19	Woodville Road, Overseal	2	0	2
20	Station Road, Ilkeston	0	0	2
21	Breadsall Village	8	8	1
22	Stanley Village	0	0	1
23	Station Road, Borrowash	0	0	1
24	Repton Village	0	0	1
25	Shardlow Village	0	0	1
26	Repton Village	0	0	1