

Agenda Item No. 3(a)

DERBYSHIRE COUNTY COUNCIL

MEETING OF CABINET MEMBER – HEALTH AND COMMUNITIES

25 April 2017

Report of the Strategic Director – Economy, Transport and Communities

**ENFORCEMENT OF ENVIRONMENTAL WEIGHT RESTRICTIONS IN
DERBYSHIRE 2016-17**

- (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 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 dozens 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 a transit van type vehicle up to 44 tonnes for the largest vehicles. As well as environmental weight restrictions, the County Council, as a Highway Authority, has the power to impose a structural weight restriction (typically for bridges) where HGVs 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 whether or not the vehicle is carrying a load.

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 has continued to carry out proactive checks and respond 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 officers seek to carry out checks in those areas of the County generating the most complaints. The Division works closely with Police and Highway

Division colleagues to ensure that complaints are captured and responded to where resources allow.

Derbyshire County 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 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 Derbyshire's roads; and
- 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

The Division received 478 complaints about breaches of weight restrictions during 2016-17 which represents a decrease of 127 (21.0%) compared to the previous year (605 complaints). There were 505 complaints the previous year (2015-16). Details of the complaints received are provided in an appendix to this report. In response to the complaints, the Division carried out 5 enforcement checks throughout the County seeking to address those weight restrictions that were subject to the greatest level of breaches and/or complaints from the public. The table below shows the location and frequency of enforcement checks together with the number of breaches.

Table 1 Proactive Enforcement Checks

Location of Weight Restriction	Number of Exercises	Breaches Detected
Swarkestone Causeway	1	1
Moir Road, Woodville	1	3
Stanton-by-Dale (and Dale Abbey)	1	1
Birchwood Lane, South Normanton	2	0
Total	5	5

The Division carried out a significantly lower level of checks than in previous years due to resource implications. However, the Division increasingly used intelligence from members of the public alleging breaches of weight

restrictions, backed up by witness statements and often photographic evidence, that provided sufficient information to institute formal action, including prosecutions, in a further 43 cases. The location and number of these breaches confirmed are shown in Table 2 below.

Table 2 Additional breaches investigated following information from the Public

Location of Weight Restriction	Breaches Detected
West Bank, Winster (3.5 tonne)	17
Swarkestone	13
Walton-on-Trent	5
Breadsall Village	4
Stanton-by-Dale	3
Main Street, Winster	1
Total	43

A further 13 potential breaches are under investigation. The total of 61 confirmed breaches following 5 enforcement checks and investigations following intelligence from the public compares to the detection of 104 breaches following 20 checks in the preceding year.

It should be noted that not all HGVs 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; and
- buses, coaches and other public service vehicles.

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 actually 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.

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. The table below shows the number of breaches that resulted in prosecutions by weight restriction.

Table 3 Prosecutions concluded in 2016-17 by weight restriction

Weight Restriction	Prosecutions
Swarkestone Causeway	8
West Bank, Winster	7
Moir Road, Woodville	5
Winster Village	1
Breadsall Village	2
Stanton by Dale	3
Total	26

Twenty six prosecutions were concluded during the year resulting in the Courts imposing fines of just under £6,000 and awarding some £3,790 in prosecution costs and victim surcharges.

Members of the public who are concerned about HGVs 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 via an online form available at the following link: https://www.derbyshire.gov.uk/business/trading_standards/weight_restrictions/weight_restriction_reporting/default.asp

(3) **Social Value Considerations** Whilst this is not a statutory function for the local authority, the Trading Standards Service continues to respond to complaints about breaches of weight restrictions by drivers and/or operators of HGVs. Not only do HGVs cause additional wear and tear on the Highways infrastructure, especially the Swarkestone Causeway ancient monument, but they can also enhance the disruption of the peaceful environment of Derbyshire's towns and villages.

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

(4) **Key Decision** No.

- (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 Economy, Transport and Communities Department. Officer contact details – Robert Taylour, extension 39830.
- (7) **OFFICER'S RECOMMENDATION** That the Cabinet Member notes the report.

Mike Ashworth
Strategic Director – Economy, Transport and Communities

Appendix – Number of complaints alleging breaches of Weight Restrictions by Heavy Goods Vehicles by weight restriction area, Derbyshire 2016-17

	Location of Weight Restriction	2014-15	2015-16	2016-17
1	West Bank, Winster (3.5 tonne)	250	280	166
2	Stanton-by-Dale	81	133	130
3	Birchwood Lane, South Normanton	0	0	33
4	Buckford Lane Bridge, Findern (3 tonne)	0	0	30
5	Moir Road, Overseal	0	0	18
6	Winster Village (7.5 tonne)	14	8	15
7	Scropton Lane, Hatton	0	0	14
8	Ashover (including Butts Road)	53	43	11
9	Swarkestone Causeway	10	5	11
10	Alport/Youlgrave	2	13	9
11	Lockton Ave./Thorpes Rd., Heanor	0	2	9
12	Breadsall Village	11	8	8
13	Station Road, Ilkeston	0	0	4
14	Redgate, Padfield	32	18	2
15	Bretby Road, Burton-on-Trent	0	0	2
16	Castle Road, Church Gresley	0	0	2
17	The Handleys, Chesterfield	14	32	1