

North Somerset Council

Report to the Executive

Date of Meeting: 06 September 2023

Subject of Report: Adoption of moving traffic enforcement powers

Town or Parish: All

Officer/Member Presenting: Councillor Hannah Young, Executive Member for Highways and Transport

Key Decision: Yes

Reason: Affects more than one ward

Recommendations

1. That the Council applies to the Department for Transport for powers to undertake civil enforcement of Moving Traffic contraventions under Part 6 of the Traffic Management Act 2004.
2. That future locations for moving traffic enforcement is delegated to the Head of Highway and Parking Operations in consultation with the Executive Member for Highways and Transport.
3. To approve a revenue budget virement as detailed in section 5.

1. Summary of Report

- 1.1 On the 31 May 2022 Moving Traffic Enforcement (MTE) powers were enacted under Part 6 of the Traffic Management Act 2004, making it possible for Local Authorities outside London to seek approval from the DfT to enforce them within their administrative boundary.
- 1.2 Moving Traffic Enforcement covers a number of illegal manoeuvres such as banned left/right and U-turns and “keep clear school” markings. Even though civil enforcement powers are now open to Local Authorities, the Police remain co-enforcers.
- 1.3 Moving Traffic Enforcement will be used on sites that have existing Traffic Regulation Orders (TROs) that have been subject to the legal statutory process and consultation set out by the Department for Transport (The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996).
- 1.4 The adoption of Moving Traffic Enforcement powers will add to the North Somerset's highway network management toolbox to achieve compliance of mandatory traffic signs and improve the safety and operation of the highway.

- 1.5 MTE civil enforcement will utilise Automatic Number Plate Recognition (APNR) camera technology and back-office set-up already used for existing bus gate enforcement.
- 1.6 The Department for Transport has set out clear guidance on the adoption of the powers:
- any site being considered will be evidenced as needing intervention and will have a minimum of 6 week’s public engagement
 - penalties must be set at the minimum, with first offences within the first 6 months a warning letter only
 - any revenue generated by any MTE schemes must be used in accordance with the DfT policy within this report
- 1.7 The council will start with a single pilot site to test the effectiveness and administration of the enforcement action before considering expanding the use of the powers. New sites must meet the criteria in the paragraph above and would only be considered after detailed review of evidence and engagement with the Executive Member and local ward members.
- 1.8 If the application is agreed by the DfT, the council will be able to start using the powers in early 2024.

2. Policy

Links to the council’s Corporate Plan 2020-24

| | |
|-----------------------------------|--|
| A thriving and sustainable place | <ul style="list-style-type: none"> • A great place for people to live, work and visit • Welcoming, safe, clean neighbourhoods • To be a carbon neutral council and area by 2030 • An attractive and vibrant place for business investment and sustainable growth |
| An open and enabling organisation | <ul style="list-style-type: none"> • Empower our staff and encourage continuous improvement and innovation • Manage our resources and invest wisely • Make the best use of our data and information • Provide professional, efficient and effective services |

3. Details







- 3.1 It is the duty of all local authorities to manage their road network with a view to securing the expeditious movement of traffic on the authority’s road network and to promote and improve road safety by disseminating information or advice relating to the use of roads.
- 3.2 North Somerset’s Highway Service receives complaints from residents, council members and Parishes regarding vehicles ignoring signs with the request for enforcement to take place. Ignoring such signs places road users at risk, increases congestion and causes damage to highway infrastructure.
- 3.3 In 2022 the Department for Transport announced that Moving Traffic Enforcement powers would be made available to local authorities outside of greater London. Currently enforcement can only be undertaken by the Police. The councils Highways

Authority responded with a letter of interest to be part of the third tranche applicants, which will allow them to directly respond with enforcement action to all future calls for MTE intervention rather than passing it back to the Police.

3.4 The powers will help the council to:

- manage the traffic network to ensure expeditious movement of traffic, (including pedestrians and cyclists), as required under the Network Management Duty in Section 16 of the Traffic Management Act – this underpins the council’s objective to encourage sustainable travel
- improve road safety in key areas such as ‘keep clear’ areas outside of schools
- improve the local environment, i.e carbon reduction – by targeting congestion areas and using the powers to improve traffic flow we aim to reduce the CO2 build up
- improve the quality and accessibility of public transport and managing and reconciling the competing demands for road space

3.5 Moving traffic violations include:

| | |
|---|---|
|  | No right/left or U-Turns |
|  | Keep clear outside schools |
|  | No entry |
|  | Blocking a yellow box |
|  | Driving in bus lanes or bus gates |
|  | Prohibitions on certain types of vehicles |

These powers do not include speeding which remains the responsibility of the Police.

3.6 The project team formed in April 2023, working closely with colleagues in Highway Operations, Road Safety, Parking Services, Community Safety team and Sustainable Transport to access the current data we hold about hotspot areas that could benefit from intervention.

3.7 Enablers identified as requiring action:

- review of the council’s civil enforcement policy
- Traffic Regulation Orders (TROs) data base review and update
- Purchase of MTE module on AppyWay – online database to manage TROs
- Review of team capacity to manage TROs (linked to Highway Review)

3.8 Good practice to align with:

- cross checking sites with BSIP bus gate works and Sustainable Transport plans to introduce “school streets”
- strong working relationship between Community Safety team and the Police
- use of existing procurement framework to purchase ANPR camera equipment
- purchase extra licences on Crash Map to share with internal team – an accident report mapping tool with data direct from DfT

Framework for new enforcement sites

3.9 Problematic sites will be approached with the following ‘best practice’ model shared with the National Parking Service’s working group for Local Authorities adopting MTE: (Step 1) Engineering - Deploy physical measures to prevent or deter contraventions where practicable, for example, road markings or kerb lines. (Step 2) Education - Promotion of restrictions; consultation and additional signs to increase awareness of the restriction. (Step 3) Enforcement - Where no further practicable solution under (1) and (2) remains.

3.10 The project team has developed the following framework for new sites to be assessed by:

| | |
|---|--|
| Create a knowledge base | <ul style="list-style-type: none"> Internal council teams (road safety, school travel, sustainable transport, community safety) Police (highway and local sergeants/ PCSOs) Department for Transport data sets held in Crash Map (online database) |
| Evaluation of each site | <ul style="list-style-type: none"> Cross reference data and evaluate the engineering at that site – could improvements be made by changing the existing TRO or reverse engineering the site to improve traffic flow and safety? Understand behaviours - does the TRO make sense? and is this balanced by the impact i.e CO2 increase for a longer route |
| At this point the site will have been sufficiently evidenced to require intervention. 6 weeks of public engagement will follow to further inform usage of the site – i.e business assess, resident access or raise any other key considerations | |
| Engagement | <p>New site briefing with:</p> <ul style="list-style-type: none"> Head of Highway Services Executive Member for Highways and Transport Ward members of the locality <p>This will then be followed by six weeks of engagement with:</p> <ul style="list-style-type: none"> Local residents Businesses Commuters |

3.11 Back-office operations for enforcement administration will be undertaken by Parking Services, using the existing model introduced for Bus Gates. Full cost recovery for staffing has been built into the business case, to ensure this is resourced adequately.

Penalty charges

3.12 Department for Transport states fines should be **set at the minimal level**, and first offences will be issued a written warning, subsequent offences will be fined:

| | | |
|---------------|---|------------------------|
| First offence | Second offence or thereafter initial 6 months | If paid within 21 days |
|---------------|---|------------------------|

| | | |
|--|-----|-----|
| (within first 6 months of scheme starting) | | |
| £0 | £70 | £35 |

Use of penalty charge income

- 3.13 Any surplus income generated from fines, must be spent in accordance with Section 55 of the Road Traffic Regulation Act 1984.
- 3.14 Surplus income, should there be any, will need to cover all costs related to enforcement. This includes the administration staff involved in collecting the fines, maintenance of cameras and the associated signs and markings together with energy, data and software costs. Money will also need to be set aside for the eventual replacement of equipment once it becomes unserviceable. Any surplus remaining after deduction of costs may go towards:
- (i) further enforcement sites
 - (ii) measures to improve public transport
 - (iii) other highway associated improvements
- 3.15 The regulations do not permit surplus income generated from fines to be used to fund routine highway maintenance activities.

Outcomes

- 3.16 MTE powers will be a valuable tool to the local authority to best manage its network and improve road safety for all users:
- Improved pedestrian and cyclist safety, supporting modal shift to sustainable transport options
 - Reduced network congestion
 - Improved journey times for public transport and emergency service vehicles.
 - Improved air quality, reduction in transport related emissions which in turn contribute to carbon net zero targets
 - Increased safety and cleaner air around schools
 - Re-allocation and saving of police time

4. Consultation

- 4.1 The below stakeholders have been involved with the application to adopt MTE powers:

External

- Department for Transport
- Avon and Somerset Police
 - Network Manager
 - Chief of Police
 - Local Beat Sergeants and PCSOs
- National Parking Association working group for MTE
- Bristol City Council's Highway Network Manager
- Derby Council's Group Manager for Traffic and Transportation

Internal

- Senior Leadership Team
- Executive Member

- TCC Scrutiny Panel
- BSIP Management team
- Sustainable Transport
- Road Safety
- Traffic Regulation Order team
- Highways comms lead
- Finance Business Partner
- Legal Services

4.2 In addition, each new site will require a six week's local engagement. See appendix 1 – Engagement Mapping

5. Financial Implications

Costs

The estimated one-off costs associated with adopting the powers are listed below:

| Details | Cost (£) |
|---|----------------|
| One off set-up costs to adopt powers | |
| - Project Management | £10,000 |
| - Comms support | £200 |
| - ICT payment mechanism set-up | £5,000 |
| - VfM sign unity purchase | £3,000 |
| - Legal support | £500 |
| Total | £18,700 |

Once the powers have been adopted it is estimated that each site will cost c£34k to mobilise:

| Details | Cost (£) |
|---|----------------|
| Cost per site | |
| - Project Management | £4,000 |
| - Data management and evaluation | £850 |
| - Equipment purchase | £20,700 |
| - Site install refresh for enforcement (lining & signage) | £8,900 |
| Total | £34,450 |

There will also be on-going annual revenue costs of c£37k:

| Details | Cost (£) |
|---|----------------|
| Annual costs | |
| - Crash Map (DfT data set) | £2,450 |
| - Back-office support | £23,100 |
| - Comms support – proactive engagement | £5,700 |
| - Ongoing maintenance fund (not required in year 1) | £5,800 |
| Total | £37,050 |

Flexible operation of the scheme ensures that equipment can then be relocated when sustained compliance is achieved.

Funding

The initial set-up costs to adopt the powers and the costs of the first site will be funded by Place revenue reserves ZXB424.

The on-going costs and costs of future sites are expected to be funded by the income generated by fines. The estimated income in year one is c£38k.

This report authorises a budget virement to increase the council's gross revenue budget by £84,400 in 2023/24 and an equivalent increase in the gross income budget to recognise the funding from reserves. This will provide enough budget to adopt the powers and to set up the first site.

Any further sites will be subject to approval.

6. Legal Powers and Implications

- 6.1 The Government has committed to make the moving traffic enforcement powers under Part 6 of the Traffic Management Act 2004 available to local authorities outside London.
- 6.2 In making these powers available, the legislative opportunity has also been taken to consolidate, under the 2004 Act, the existing civil enforcement regimes for bus lane contraventions (outside London currently under 2005 regulations made under the Transport Act 2000) together with parking contraventions (England-wide currently under 2007 regulations made under the 2004 Act).
- 6.3 Creating a cohesive civil enforcement regime will remove numerous inconsistencies which inherently arose due to the disparate enabling legislation, enabling more efficient regime administration.

7. Climate Change and Environmental Implications

- 7.1 Increased compliance at MTE locations will make North Somerset a safer place for pedestrians, cyclists and other vulnerable road users, as well as reduce delays and obstructions for public transport services. This in turn should reduce the environmental impact of travel in line with the Council's Carbon Management Strategy.

8. Risk Management

- 8.1 Revenue does not cover the cost of MTE
Mitigation: Choose sites that are known to be high risk where contraventions take place on a regular basis and road safety is being compromised.
- 8.2 Complaints from public about fines
Mitigation: Ensure reasoning behind the project and each site is well communicated and explained how fine revenue is used

A full risk register is available upon request.

9. Equality Implications

- 9.1 Have you undertaken an Equality Impact Assessment? Yes
A stage 1 EIA has been completed.

10. Corporate Implications

- 10.1 Support from Legal Services has been sought to adopt these powers into the council's remit. Further support has been identified should any contested fines require court involvement.
- 10.2 DfT guidance stipulates the requirement to: engineer, education, enforce. Support from the Communications team will be required to develop an educational comms strategy and implementation plan.

11. Options Considered

11.1

| | |
|---|---|
| Choosing not to adopt MTE powers | <ul style="list-style-type: none">• Less tools to manage the safety of our highway network• Current level of enforcement of these types of offences, as carried out by ASC is minimal – it does not effectively address high numbers of vehicles currently contravening these restrictions impacting network management, road safety and environment |
| Choosing to adopt MTE powers | <ul style="list-style-type: none">• If the council adopts these powers, we will be able to deploy more robust enforcement to reduce casual disregard of restrictions• Alignment with our statutory obligations to have a safe highway network and corporate objectives to create a “welcoming, safe” environment |

It is therefore recommended that the council adopt MTE powers in line with DfT advice.

Author:

Tasha Hardy
Project Manager (Business Development Unit)

Paul Watkins
Highway Network and Traffic Manager (Highways and Transport Service)

Appendices:

Appendix 1 – [Engagement mapping](#) – access via Miro website, password: NSC2023MTE

Background Papers:

Gov.UK – Bus Lane and moving traffic enforcement outside of London

<https://www.gov.uk/government/publications/bus-lane-and-moving-traffic-enforcement-outside-london>