

Southend-on-Sea City Council
**Report of Executive Director Neighbourhoods &
Environment**

**To
Cabinet**

**On
12 January 2023**

**Report prepared by: Sharon Harrington,
Head of Highways & Traffic**

Agenda Item No.

Adoption of Moving Traffic Enforcement Powers for Local Authorities Outside of London.

**Relevant Scrutiny Committee(s): Place
Cabinet Member: Councillor Steve Wakefield**

Part 1 (Public Agenda Item)

Purpose of Report

- 1.1. The Government has extended Part 6 of the Traffic Management Act 2004 to allow Local Authorities (LA's) outside of London to enforce moving traffic contraventions. LA's are now able to apply for those powers.
- 1.2. This means traffic enforcement cameras could be used to enforce a variety of highway restrictions on Southend's roads to help improve safety and reduce congestion. They could also be a key tool in the development of our new transport strategies (LTP4) aimed at improving infrastructure for buses, cycles and pedestrians.
- 1.3. This report sets out the background, benefits and issues associated with Moving Traffic Enforcement (MTE) and recommends that the Council applies for these new powers following the process prescribed by the Department for Transport (DfT).

2. Recommendations

It is recommended that Cabinet agree:

- 2.1. **To support and agree to the submission of an application to the DfT to apply for a Designation Order for Southend City Council to enforce moving traffic offences when the requirements noted by DfT have been met and which are noted in 3.5 of this report.**

- 2.2. To agree that the Council commission the resource required to undertake and ensure compliance with the tasks required prior to making an application for a Designation Order. These include but are not limited to;
- Surveys of existing road layout including road signs
 - One-ways
 - HGV / weight restrictions
 - Parking pressures
 - No right- or left-hand turns
 - Schools suitable for School Streets to determine the top priority locations for Southend.
- 2.3. To delegate authority to the Executive Director for Neighbourhoods and Environment in agreement with the Cabinet Member for Highways, Transport and Parking to submit the application at the appropriate time for a Designation Order to the DfT.
- 2.4. To delegate authority to the Executive Director for Neighbourhoods and Environment in agreement with the Cabinet Member for Highways, Transport and Parking to implement City-wide moving traffic enforcement powers under Part 6 of the Traffic Management Act 2004 at the appropriate time.
- 2.5. To delegate authority to the Executive Director for Neighbourhoods and Environment in agreement with the Cabinet Member for Highways, Transport and Parking the management of operational policy regarding camera locations and or any future camera enforcement locations.
- 2.6. To approve the setting of the penalty charge of moving traffic enforcement (when introduced) to be at the higher charge as outlined by DfT.
- 2.7. To acknowledge and agree that the required procurement process will be undertaken (where required) to ensure an appropriate provider is selected to undertake the scoping tasks associated for this project.

3. Background

- 3.1. The Local Government Association and many LA's have lobbied successive Governments to extend the powers contained in Part 6 of the Traffic Management Act 2004, to allow LA's outside London to enforce moving traffic contraventions.
- 3.2. In June 2021, the Government published its intention to seek Parliamentary approval to extend the Part 6 powers by the end of 2021. The DfT asked LA's outside of London to indicate their interest in adopting moving traffic enforcement powers by the end of August 2021. Southend-on-Sea City Council complied with the request and confirmed its intention to make an application to adopt the Part 6 powers for its area.

- 3.3. These powers will enable the Council to enforce moving traffic offences such as; no entry, banned turns, weight restrictions, school keep clears and yellow boxed junctions.
- 3.4. By agreeing to the powers, it will create a cohesive civil enforcement regime, will remove numerous inconsistencies which inherently arose due to the disparate enabling legislation, enabling a more efficient regime. Crucially, it will empower this Council to tackle the moving traffic offences at identified locations.
- 3.5. Tasks to be completed before an application can be made to the DfT include but not limited to;
 - 3.5.1 Consult the Chief Officer of Police and have their support.
 - 3.5.2 Carry out a minimum six-week public consultation on the detail of planned civil enforcement of moving traffic contraventions. Consultations should include the types of restrictions to be enforced and the location(s) suggested.
 - 3.5.3 Consider all objections raised and take such steps the Council considers reasonable to resolve any disputes. A summary of the consultation and its results will be provided as supporting documentation to the application submitted to the DfT. Carry out effective public communication and engagement as the Council considers appropriate, for example using local press and social media, and that this will continue up to the start of enforcement and for a reasonable period thereafter.
 - 3.5.4 Ensure all moving traffic restrictions to be enforced will be underpinned by traffic regulation orders (TROs) and indicated by lawful traffic signs and road markings.
 - 3.5.5 Ensure all the relevant equipment has been certified by the Vehicle Certification Agency specifically for moving traffic contraventions.
 - 3.5.6 Identify and remove any signs that are obsolete whether or not relating directly to the restriction being enforced. This will reduce sign clutter and aid effective enforcement by ensuring drivers are presented with clear information in an uncluttered environment.
 - 3.5.7 Provide detailed evidence to support the top 10 non-compliant locations across the City for Phase 1 of Moving traffic enforcement implementation.
- 3.7. It will only be possible to submit an application when the Council has completed the steps outlined above. The DfT have confirmed that our application would only need to reference a minimum of 2 but up to 10 locations where we would initially propose to enforce within the first 12-18 months of enforcement activity. Upon receipt of our application, it will be reviewed and if approved will make a designation order that will provide the Council with Part 6 powers, City wide.

4. Reasons for Recommendation

- 4.1. To enable the Local Authority to apply for and adopt moving traffic enforcement powers for the City.
- 4.2. To improve safety on the public highway.
- 4.3. To improve safety around schools.
- 4.4. To protect our weight restricted assets.
- 4.5. To improve connectivity, boost active travel, and improve air quality by reducing congestion.

5. Corporate Implications

- 5.1. Contribution to the Southend 2050 Road Map:
 - Opportunity & Prosperity – The adoption of moving traffic enforcement aims to improve connectivity and boost active travel.
 - Safe & Well – The adoption of these powers will improve safety on the highway and increase air quality by reducing congestion.
 - Connected & Smart – The adoption of these powers will improve connectivity, reduce congestion and boost active travel around the borough.

6. Financial Implications

- 6.1. Funding of the commissioning survey is necessary to enable the initial DfT application and will be funded from earmarked reserves. With the correct engagement and survey this should result in return on investment being made within a timely manner (estimated between £100-£130k investment)
- 6.2. The risk of not commissioning this survey will result in the Council not being able to commence with or implement moving traffic enforcement.
- 6.3. The outcome report of the commissioning survey will demonstrate the scale and location of enforcement measures that will be required but the indicative costs for enforcement cameras can cost between £15,000 to £25,000 or up to £700 per month to operate and maintain.
- 6.4. A future capital funding bid will be required to fully implement moving traffic enforcement. Without this funding, the inception and delivery of effective moving traffic enforcement in the City will not be met.
- 6.5. Cameras should also be re-deployable to be able to be rotated or moved elsewhere depending on need.
- 6.6. Any investment should be self-financing over time, but is a variable and dependent on the levels of non-compliance of the restrictions. There is also a legislative requirement to only issue warning notices for a period of 6 months and so any return of investment will be delayed.

- 6.7. The enforcement of moving traffic is to improve safety and to manage non-compliance of more serious driving behaviours. It is therefore recommended to set the penalty charge of moving traffic contraventions at the higher charge/full penalty as outlined by DfT.
- 6.8. From the levels of enforcement activity of London authorities, it is anticipated that a cost neutral position can be achieved within five years of any future capital investment but is dependent on the level of non-compliance that occurs.
- 6.9. Any surplus income generated as a result of moving traffic enforcement will be allocated to highways or transportation schemes as a statutory requirement in terms of accounting in accordance with the Traffic Management Act 2004 in a similar way to income derived from parking activity already does.

7. Legal Implications

- 7.1. The adoption of moving traffic enforcement powers is achieved through secondary legislation where a Statutory Instrument prepared by lawyers in the Department for Transport will be laid before Parliament.
- 7.2. The Department for Transport will only approve an application after it is satisfied a local authority has reviewed and updated its traffic orders and given assurances that appropriate signage will be in place to inform motorists of moving traffic restrictions and camera enforcement. The tasks and anticipated costs set out in this report are necessary if the Council intends undertaking moving traffic enforcement under Part 6 of the Traffic Management Act 2004.
- 7.3. A new traffic regulation order for moving traffic offences using powers set out in the Road Traffic Regulation Act 1984, and in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and enforced using powers in the Traffic Management Act 2004 and supplemented by relevant Regulations, guidance, and industry codes of practice will be required.

8. People Implications

- 8.1. It is anticipated that delivery of the recommendations set out in this report can be achieved using existing resources.
- 8.2. Resources to survey, design and manage the TTRO process will be commissioned by an external consultancy.

9. Property Implications

- 9.1. There are no property implications arising from this report.

10. Consultation

- 10.1. A six-week public consultation period is required in preparation for an application being made to the DfT. This will be undertaken for locations identified as suitable, upon completion of initial feasibility study.

- 10.2. The results of the survey and consultation will help finalise the moving traffic enforcement priorities within the City. A summary of the consultation and its results will be provided as supporting documentation to the application.
- 10.3. Early engagement with Essex Police has confirmed its support regarding the adoption of powers by the local authority.
- 10.4. Officers from Neighbourhoods and Environment will evaluate locations identified and present and agree with the Cabinet Member for Highways, Transport and Parking prior to any implementation.

11. Equalities and Diversity Implications

- 11.1. The Council has an established policy for considering the adverse or disproportionate impacts on protected groups. As part of any proposal, the Council will undertake an assessment to understand the risk of any adverse impact, and whether any mitigation is required. It is not anticipated there are any implications arising from these proposals, as set out in the assessment attached to this report.

12. Risks

- 12.1. Approval for the Council from DfT to adopt these powers is still required. There is a risk that it will not be given or more likely delayed.
- 12.2. Not adopting these powers will cause inconsistencies across the region if most LA's outside of London introduce these powers.
- 12.3. The level of enforcement carried out by the Police does not effectively address the anticipated levels of non-compliance.

13. Value for Money

- 13.1 All parking enforcement activity should be self-financing and if there is any income surplus then this should be reinvested. Cameras used for enforcing moving traffic should be able to be redeployed dependent on priority and need. This reduces the investment required and provides a flexible and cost-effective option.

14. Community Safety Implications

- 14.1. The adoption of moving traffic enforcement powers will enable the Council to be more responsive to safety concerns and provide additional options for consideration when managing the road network.

15. Environmental Impact

- 15.1. Moving traffic enforcement powers have been in London for many years and has proven to be a key tool in helping to deliver transportation and environmental objectives and references made to improving air quality.

15.2. Congestion should be reduced at problematic locations whilst also seeing an improvement in bus and cycle routes. In addition, the safety of pedestrians and vulnerable road users will of course be greatly improved.

16. Background Papers

16.1 There are no background papers associated with this report.

17. Appendices

17.1 There are no appendices associated with this report.