

REPORT OF STRATEGIC DIRECTOR PLACE

TO THE PROPERTY AND REGENERATION BRIEFING

12th September 2022

TITLE: Moving Traffic Offences – Part 6 Enforcement Powers

RECOMMENDATIONS:

That the City Mayor approves the approach outlined within this briefing and

Approves the Council can seek Part 6 Enforcement Powers from The Department for Transport;

Approve the criterion to identify future potential sites for enforcement;

Approve the initial tranche of sites;

Carry out the six-week consultation period.

Subject to any matters arising, the decision report is submitted for approval on 12th September 2022.

EXECUTIVE SUMMARY:

Powers to enforce Moving Traffic Offences currently rest with Greater Manchester Police. Last year the Government consulted on de-criminalising these powers and passing them to Local Authorities to enforce, similar to the situation with parking offences 20 years ago.

Last year the City Council expressed an interest in seeing these powers transferred from GMP to the Council and the Government has now begun the legal process of making this happen. Proposals were laid before Parliament at the end of January and further guidance has been made available from the Department for Transport.

Councils across England are being 'invited' to apply for the Moving Traffic Offence powers, with opportunities to apply in June 2022 and December 2022, with further opportunities in 2023.

This report details proposals on Salford City Council taking on these enforcement powers to address sites where poor compliance results in safety, congestion, or community concern issues.

BACKGROUND DOCUMENTS:

Appendix 1 – List of Traffic Sign Subject to Moving Traffic Offences

KEY DECISION: Yes

DETAILS:

1.0 BACKGROUND

- 1.1 Powers to enforce Moving Traffic Offences currently rest with Greater Manchester Police. Last year the Government consulted on de-criminalising these powers and passing them to Local Authorities to enforce, similar to the situation with parking offences 20 years ago and the powers to enforce bus lanes.
- 1.2 Last year the City Council expressed an interest in seeing these powers transferred from GMP to the Council and the Government has now begun the legal process of making this happen. Proposals were laid before parliament at the end of January and further guidance has been made available from the Department for Transport.
- 1.3 Councils across England are being 'invited' to apply for the Moving Traffic Offence powers, with opportunities to apply in June 2022 and December 2022, with further opportunities in 2023. The enforcement approach will be similar to those that already exist in London and Cardiff.
- 1.4 Vehicles which contravene the types of moving traffic restrictions listed in Appendix 1 create potential dangers to other road users including pedestrians and cyclists. There can also be restrictions on the type of vehicles using a road due to its suitability for that type of vehicle either by the layout or features on the street or for environmental reasons. Whilst the Police carry out enforcement currently it is not a top priority for their resources. The Council may be able to deploy a more robust manner of enforcement to reduce the casual disregard of restrictions experienced at some locations, increasing compliance, improving road safety and driver behaviour.

- 1.5 There have been discussions at GM Traffic Managers Group, exploring the benefits of a GM wide approach to taking up Part 6 Powers. SCC officers view this as a disadvantage to Salford as the process will move at the pace of the slowest authority. Salford are one of the frontrunners across GM for enforcement, already undertaking Bus Lane, Bus Stop Clearway and School Keep Clear camera enforcement with the associated experience, knowledge, and back-office processes already in place.

2.0 CRITERION FOR SITE SELECTION

- 2.1 Additional guidance has been issued by DfT with regards to Councils taking up these powers including the types of offences that will be decriminalised. These are detailed at Appendix 1 although, as is the case with GMP and our own, current enforcement approach, it is very unlikely we will ever get to the stage where we can enforce all offences at all locations at all times.
- 2.2 Indeed, DfT confirms that *local authorities are not required to enforce every sign or marking; instead, enforcement should only be used to target problem locations. At any location where it is considered that contraventions could be avoided by reasonable improvements to the highway or to traffic signing, such improvements should be made, and appropriate monitoring carried out before enforcement action is considered.*
- 2.3 The guidance makes it clear that the use of these powers is to increase compliance rather than revenues. This includes, in addition to ensuring that the correct TRO is in place along with clear and correct, lawful signage, including removing any obsolete signs.
- 2.4 Also contained within the guidance is the requirement, for a period of six months following implementation of moving traffic enforcement, *at each particular camera location*, local authorities should issue warning notices for first-time moving traffic contraventions. This will create additional work for the Parking Team to sift through contraventions and assess whether it is a new 'offender' to receive a warning letter or a repeat 'offender' to receive a Penalty Charge Notice. We are working with our IT provider to assess whether this process can be automated.
- 2.5 This guidance will also apply to any new camera location in the future. The warning notice should set out the six-month period and advise that any further moving traffic contravention at the same camera location would result in the issue of a PCN. This is a new requirement and is much more onerous than previous guidance. Current guidance suggests a two week 'grace period' which we have become accustomed to at bus lane enforcement sites.
- 2.6 There are many sites across the City where complaints are made regarding the abuse of restrictions. These come through our normal complaints' channels, from Councillor's, MP's Community Committees etc. Where appropriate, requests are forwarded to GMP, but these types of offences are often afforded a low priority for GMP.

2.7 It must be borne in mind that, similar to the issues GMP have with some types of enforcement, some types of contraventions will be particularly difficult for the Council to enforce with civil enforcement officers, static or mobile cameras. As technology and experience improves in this area, it is likely that more contraventions should be able to be successfully enforced.

2.8 A criterion for priorities is set out below. It deliberately concentrates on those locations where the benefit of improved compliance will be greatest. This will, as expected, lead to the vast majority of enforcement to be undertaken on the busier routes. It is suggested that this criterion is reviewed on a 3 yearly basis, reporting through the Lead Member for Planning, Transport and Sustainable Development to ensure it continues to respect the Council's priorities and responds to the evolution of moving traffic enforcement technology, experience, guidance, and knowledge.

Cat.	Criteria	Description	Evaluation
1	Road Safety	Killed or Seriously Injured, where Moving Traffic Offence (MTO) was a contributing factor	GMAXI Database/Road Safety Risk Assessment/GMP
2	Road Safety	Slight injuries, where MTO was a contributing factor	GMAXI Database/Road Safety Risk Assessment/GMP
2	Asset Damage	Guardrails, vehicle restraint systems, street lighting columns, where MTO was a contributing factor	Danger reports/GMP
2	Congestion	SCOOT, TfGM's Control Centre Traffic Cameras, Data Collection, Complaints supported by observations.	TfGM notification, traffic survey/GMP
2	Public Transport Reliability	Tram and Bus, E-Scooters or Autonomous Vehicles issues as a result of MTO.	Transport operators/TfGM notification
2	Non-Motorised Users	Pedestrian and Cycle facilities being compromised by motor traffic incursion	Complaints supported by observation/GMP
3	Other	One or more offences in one location; Abuse of Civil Enforcement Officers; MP Enquiry/Petition or minimum 5 complaints registered by Salford City Council within last 2 years; or Request made by vulnerable group.	Complaints supported by observation, NSL notification, GMP

2.9 In setting this criterion, it is acknowledged that there will be sites of community concern, particularly on quieter streets, which will not conform to the criteria outlined. As such, there will be the option for the Community Committee Highways Task Groups to consider these local requests and fund the provision, installation and maintenance of enforcement cameras and sites to

assist with sites of local concern on quieter routes that do not meet the above criteria.

- 2.10 All sites will be subject to an officer’s review to ensure that all reasonable improvements have been implanted at any particular site to assist the motorist to avoid contraventions. This is to ensure that the deployment of an enforcement camera is viewed as a last resort rather than the first solution at sites that meet the criteria.

3.0 Initial Sites

- 3.1 The suggested approach across GM, and being undertaken by numerous other Highways Authorities, is to consult on a small number of priority sites, in order to secure the approval from DfT. This initial tranche of priority sites can then inform the future direction and successful roll out of Part 6 Enforcement Powers across the City. It is understood that further applications will not be required to be made to DfT once the initial approval is given.
- 3.2 A mix of sites and contravention types is being included to inform future decisions on future sites as well as gaining experience in the use of the technology available and back-office processes at different sites.
- 3.3 Suggested sites for Part 6 Powers have been provided by Greater Manchester Police and various section within TfGM (Control Room/Transport Unit, Corridor Managers, UTC, Bus and Tram). As expected there are some common sites between the parties. Sites with a history of complaints have also been included in this initial assessment.
- 3.4 The proposed sites have also been examined for compliance and some works such as remarking box junctions, lining alterations, and rationalising signage to reduce clutter and improved signage in line with guidance and best practice. This type of assessment and rectification work (if required) will have to be carried out at future sites.
- 3.5 The suggested initial tranche of sites is detailed below:

Location	Problem	How does the site meet the criteria
Chapel Street/Trinity Way	Yellow box and banned movements	Road safety, congestion, and bus reliability.
Regent Road/Oldfield Road	Yellow box and banned movements	Road safety and congestion.
Chorley Road/Civic Centre Access	Yellow box blocking	Congestion and bus reliability.
Chapel Street/Oldfield Road/Adelphi Street	Banned Turns	Road safety, congestion, and bus reliability.

Irwell Street/Trinity Way	Yellow box and banned movements	Road safety and congestion.
Blackfriars Street, near Chapel Street	Cycle facility incursion	Road safety.
Blackfriars Road/Silk Street	Cycle facility incursion	Road safety.

All subject to review of TRO, signs and lines and improvement programme.

- 3.6 New sites will be added to the database of sites for future consideration for enforcement, should they fit in with the criterion and can be agreed by the Lead Member.
- 3.7 Measures of success and the longer-term approach to the continuing use of these enforcement powers as well as reviewing the criterion based on experience and advances in technology can also be reported to and agreed with the Lead Member.
- 3.8 It is to be expected that once we take these powers on, we will not be able to hand them back to GMP, as has been the case with parking contraventions. Furthermore, we will have to defend our approach to Moving Traffic Offences when we cannot forward complaints and requests for enforcement to GMP. As such it is appropriate to review moving traffic offences.

4.0 NEXT STEPS

- 4.1 Some funding has been identified from the Highways Capital Maintenance Grant to implement Part 6 Moving Traffic Offence enforcement, in terms of purchasing the Type Approved cameras, carrying out the investigations into the sites and improvements/renewals of signing and lining that may be required to carry out effective enforcement.
- 4.2 To be able to apply for these powers, the first stage is to carry out a 6-week public consultation on the proposal, with details of the first tranche of sites where enforcement will be carried out.
- 4.3 It is suggested that the consultation be undertaken in the next available edition of LIFE IN Salford as well as on the Council's website. The findings will be reported to the Lead Member and published on the website.
- 4.4 It should be noted that this is not a consultation on the TRO's themselves, which are subject to separate legislative process, but simply on the principal of the City Council taking on the enforcement powers.
- 4.5 Subject to satisfactory outcome of the consultation, the submission can be made to DfT and subject to approval, the procurement and improvement to the sites, if required, can be carried out.

4.6 Once approval is granted to enforce these locations and subject to any conditions, it is proposed that more enforcement sites can be added. The current view across GM is that further DfT approvals would not be required.

KEY COUNCIL POLICIES:

Enhancing Life in Salford, Think Efficiency, Improving the Environment

EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS:

N/A. This report is concerned with the enforcement of moving traffic offences. The restrictions will already be in place and follow the appropriate statutory and consultation process

ASSESSMENT OF RISK:

There is a risk that the City Council will apply and take on these powers, GMP will remove themselves from enforcing these restrictions and there is an increased demand on the City Councils resources to deal with these new powers effectively. Notwithstanding, there is the view that GMP currently do little in the way of enforcing traffic restrictions as it is given such a low priority so by taking on these powers it will at least provide a consistent level of enforcement across the authority in line with our Network Management priorities.

LEGAL IMPLICATIONS Supplied by: Azra Furheen

The following Regulations came into effect on 31 May 2022;

- The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022
- The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022

These provide a single framework for the civil enforcement by local authorities of parking and waiting restrictions, bus lane restrictions and some moving traffic offences.

Under Part 8 of the Traffic Management Act 2004 local authorities with existing civil parking enforcement powers may be granted moving traffic enforcement powers. The area covered by a moving traffic Designation Order may only be within, or co-extensive with, the geographic area already designated as a civil enforcement area for parking contraventions.

If a decision is made to implement these proposals it should not give rise to any legal implications as the Council only seeks approval for designation of the moving traffic enforcement powers within the existing civil enforcement area.

The surplus income from any penalty charge payments received from bus lane or any moving traffic enforcement must only be used in accordance with regulation 31 of The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022

Legal Consultation

Before applying for a Designation Order the Council must confirm to the Secretary of State that it has;

- a) Consulted the appropriate Chief Officer of Police;
- b) Carried out a minimum six-week public consultation on the detail of planned civil enforcement of moving traffic contraventions (rather than whether people agree with the principle of moving traffic enforcement), including the types of restrictions to be enforced and the location(s) in question. This is intended to communicate the rationale for, and benefits of, moving traffic enforcement to residents and businesses, and allow them the opportunity to raise any concerns. There is no requirement for newspaper advertising. Local authorities should consider the full range of media available to them when communicating with the public. They should consider telling every household in the CEA when they propose changes - for example, to the operation of a scheme.
- c) Considered all objections raised and has taken such steps the Council considers reasonable to resolve any disputes;
- d) Carried 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;
- e) Ensured all moving traffic restrictions to be enforced will be underpinned by accurate TROs, where applicable, and indicated by lawful traffic signs and road markings. Local authorities are not required to audit all their TROs and traffic signs; but instead those that are directly related to the moving traffic restrictions to be enforced;
- f) Ensured all the relevant equipment has been certified by the Vehicle Certification Agency (VCA) specifically for moving traffic contraventions.

When applying for designation of the moving traffic enforcement powers, the Director of Place (under his delegated powers) will also be required to undertake to carry out all of the steps set out in a-f above in respect of any new camera locations in the future. However, it will not be necessary to seek further approval from the Secretary of State for additional enforcement locations in cases where the whole area has already been so designated.

FINANCIAL IMPLICATIONS Supplied by: Alison Woods, Senior Accountant,
(Planning & Transport)

Date: 19th July 2022

It should be noted that an allocation of £50k has been earmarked from approved Highways Capital Maintenance Grant (DfT), for the purchase of the cameras, carrying out the investigations into the sites and improvements/renewals of signing and lining that may be required to carry out effective enforcement.

Further financial analysis will be required in order to determine whether the revenue income generated by this scheme will be sufficient to fully recover the cost of associated administration. It is proposed that the scheme operating costs will initially be met from the overall Parking Services revenue budget.

PROCUREMENT IMPLICATIONS Supplied by: Heather Stanton, Category Manager

There does not appear to be any procurement implications and as such does not require any procurement intervention.

HR IMPLICATIONS Supplied by:

Not applicable to this report

CLIMATE CHANGE IMPLICATIONS Supplied by: Michael Hemingway

The proposal will make the roads much safer for other road users especially pedestrians and cyclists and should reduce congestion. By making cycling and walking safer and reducing congestion emissions should be reduced and air quality improved.

OTHER DIRECTORATES CONSULTED:

None

CONTACT OFFICER: Robert Owen **TEL NO:** 0161 779 4848

WARDS TO WHICH REPORT RELATES: All

Appendix 1 – List of Traffic Sign Subject to Moving Traffic Offences

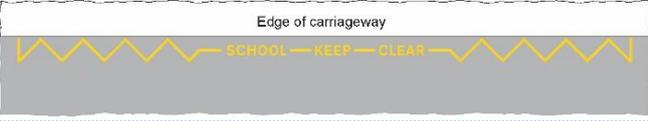
Under Schedule 7 to the Traffic Management Act 2004 (“the 2004 Act”), restrictions indicated by the traffic signs in the table below, as prescribed in the Traffic Signs Regulations and General Directions 2016 (as amended: ‘TSRGD’) are civilly enforceable as moving traffic contraventions. This applies to any permitted variant under TSRGD; for example, diagram 606 when varied to point ahead or to the right.

The 2004 Act does not provide for the list of traffic signs on a selective basis, so all the contraventions will be available to local authorities taking on moving traffic enforcement. However, in line with the general principles of good regulation, any enforcement should be carried out in a way which is transparent, accountable, proportionate, and consistent; and should be targeted **only where action is needed**.

Moreover, it should be noted that Ministers have only agreed to implement the Part 6 powers in respect of this existing list of traffic signs, with the exception of the additional diagram 1027.1, to create parity with London.

Description	TSRGD diagram number & location	
Vehicular traffic must proceed in the direction indicated by the arrow	606 (Schedule 3, Part 2, item 1 and Schedule 14, Part 2, item 42)	
Vehicular traffic must turn ahead in the direction indicated by the arrow	609 (Schedule 3, Part 2, item 2)	
Vehicular traffic must keep to the left/right of the sign indicated by the arrow	610 (Schedule 3, Part 2, item 3)	
No right turn for vehicular traffic	612 (Schedule 3, Part 2, item 7 and Schedule 14, Part 2, item 43)	
No left turn for vehicular traffic	613 (Schedule 3, Part 2, item 8 and Schedule 14, Part 2, item 43)	
No U-turns for vehicular traffic	614 (Schedule 3, Part 2, item 6 and Schedule 14, Part 2, item 43)	
Priority must be given to vehicles from the opposite direction	615 (Schedule 3, Part 2, item 9)	
No entry for vehicular traffic (when the restriction or prohibition is one that may be indicated by another traffic sign subject to civil enforcement)	616 (Schedule 3, Part 2, item 10 and Schedule 14, Part 2, item 44)	
All vehicles prohibited except non-mechanically propelled vehicles being pushed by pedestrians	617 (Schedule 3, Part 2, item 11)	

Description	TSRGD diagram number & location	
Entry to and waiting in a pedestrian zone restricted	618.3B (Schedule 8, Part 2, item 1)	
Entry to and waiting in a pedestrian and cycle zone restricted	618.3C (Schedule 8, Part 2, item 2)	
Motor vehicles prohibited	619 (Schedule 3, Part 2, item 12)	
Motor vehicles except solo motorcycles prohibited	619.1 (Schedule 3, Part 2, item 18)	
Solo motorcycles prohibited	619.2 (Schedule 3, Part 2, item 20)	
Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle symbol prohibited	622.1A (Schedule 3, Part 2, item 13)	
One-way traffic	652 (Schedule 9, Part 4, item 5)	
Buses prohibited	952 (Schedule 3, Part 2, item 17)	

Description	TSRGD diagram number & location	
Route for use by buses, pedal cycles, and taxis only	953 (Schedule 3, Part 2, item 33)	
Route for use by tramcars only	953.1 (Schedule 3, Part 2, item 36)	
Route for use by pedal cycles only	955 (Schedule 3, Part 2, item 28)	
Route for use by pedal cycles and by pedestrians only	956 (Schedule 3, Part 2, item 29)	
Route comprising two ways, for use by pedal cycles only and by pedestrians only	957 (Schedule 3, Part 2, item 32)	
With-flow cycle lane	959.1 (Schedule 9, Part 4, item 9)	
Contra-flow cycle lane	960.1 (Schedule 9, Part 4, item 6)	
Part of the carriageway outside an entrance where vehicles must not stop when the marking is placed in conjunction with the prescribed upright sign which includes the symbol at Schedule 4, Part 3, item 10	1027.1 (Schedule 7, Part 4, item 10)  	
Box junction markings	1043 (Schedule 9, Part 6, item 25) 