

Cabinet

15 February 2022

Name of Cabinet Member:

Cabinet Member for Policing and Equalities – Councillor AS Khan
Cabinet Member for City Services – Councillor P Hetherton

Director Approving Submission of the report:

Director of Transportation and Highways

Ward(s) affected:

All

Title:

To Seek Approval to Apply for Moving Traffic Enforcement Powers

Is this a key decision?

Yes - the proposals are likely to have a significant impact on residents or businesses in all wards of the city

Executive Summary:

The Traffic Management Act 2004 part 6 (TMA 2004) introduced civil enforcement of traffic offences in England and Wales. The legislation allows local authorities to enforce parking restrictions together with some moving traffic offences, like making banned left / right turns, exceeding weight limits, and stopping in yellow box junctions.

To date, the powers to enforce moving traffic offences are not available to local authorities outside of London. However, in July 2020, the government committed to change this and allow local authorities outside of London the powers to manage moving traffic contraventions. Consequently, local authorities can now apply to the Secretary of State for a Designation Order to obtain moving traffic enforcement (MTE) powers.

The purpose of this report is to seek approval from Cabinet to apply to the Secretary of State for the powers to enforce moving traffic offences under TMA 2004 part 6 which will help to improve road safety and bus journey times, reduce traffic congestion, and thereby have a positive impact on air quality.

Recommendations:

Cabinet is recommended to:

- 1) Give approval for officers to apply to the Secretary of State for the powers to undertake moving traffic enforcement pursuant to Part 6 of the TMA 2004 using CCTV camera systems, which requires consultation with stakeholders including West Midlands Police, and a minimum six-week public communication and engagement to raise public awareness.

- 2) Delegate authority to the Director of Transportation and Highways, following consultation with the Cabinet Member for City Services and the Chief Operating Officer (Section 151 Officer) or nominated deputy, to approve the expenditure needed to implement moving traffic enforcement subject to a satisfactory business case.
- 3) Delegate authority to the Director of Transportation and Highways, following consultation with the Cabinet Member for City Services, for the development of a 'Prioritisation Criteria' to identify locations where the introduction of moving traffic enforcement will have the greatest benefit and impact.

List of Appendices included:

None

Background papers:

None

Other useful documents

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: To Seek Approval to Apply for Moving Traffic Enforcement (MTE) Powers.

1. Context (or background)

- 1.1 Part 6 of the TMA 2004 allows local authorities to enforce parking restrictions and some moving traffic offences.
- 1.2 Coventry City Council adopted the powers to enforce parking restrictions in April 2005, but the MTE powers have not been available to local authorities outside of London until now.
- 1.3 The Government considers that MTE powers made under TMA 2004 Part 6, is key to reducing congestion and improving air quality, while promoting active travel by keeping vehicles out of cycle lanes.
- 1.4 The main objectives of moving traffic and parking restrictions and enforcement are to:
 - reduce traffic congestion
 - improve air quality and promote cycling
 - improve road safety
 - improve the reliability of public transport services and bus journey times
- 1.5 In July 2020, the Government committed to enacting powers to allow local authorities outside of London the option to enforce moving traffic restrictions. The types of restrictions covered by the legislation include but is not limited to:
 - banned right or left turns
 - blocking a yellow box junction
 - travelling the wrong way in a one-way street
 - no entry zones
 - illegal U turns
 - driving in pedestrian zones where prohibited
 - driving in bus and pedal cycle lanes
 - one way traffic
 - goods vehicles exceeding maximum weight limits

It should be noted that the enforcement of speeding traffic and footway parking are not covered by the changes in legislation.

- 1.6 The restrictions identified above already exist albeit that the Council doesn't currently have the power to enforce non-compliance. Any enforcement is currently undertaken by the Police under criminal law although it is a relatively low priority for them.
- 1.7 The proposed adoption of the powers by the Council is expected to free up valuable Police resources to concentrate on tackling crime although it should be noted that the Police will not relinquish their existing powers to the Council. Therefore, the Police may continue to undertake MTE in conjunction with the Council subject to available resources and other priorities.
- 1.8 Those local authorities who are considering adopting MTE powers were required to submit a 'Notice to Apply' to the DfT by 15 September 2021 to register their interest. Officers submitted the Notice to Apply on behalf of Coventry in line with the deadline and with the agreement of the Cabinet Member for City Services.
- 1.9 The next step requires the local authority to apply to the Secretary of State for a Designation Order to obtain MTE powers.

The format and details of the application process haven't been announced by the DfT as yet, but it is expected to comprise a letter to the Secretary of State, signed by the Chief Executive on behalf of the local authority confirming that:

- The letter has been sent with the authority of the Council.
- The Council has consulted the appropriate Chief Officer of Police on the proposal.
- The Council has carried out a minimum six-week public communication and engagement about the proposal to implement MTE.
- The restrictions that are subject to enforcement are covered by accurate Traffic Regulation Orders and are correctly indicated by traffic signs and road markings.
- The equipment used for enforcement purposes has been certified as an 'approved device' by the Vehicle Certification Agency for moving traffic contraventions.

1.10 When applying for the powers, local authorities are expected to have already carried out a minimum six-week public consultation and engagement exercise on the proposal to introduce MTE including details of the types of restrictions that will be enforced.

It should be noted that public engagement is intended to communicate the rationale and benefits of MTE. However, the Council isn't required to seek views from the public on whether they agree with the principle of MTE.

1.11 It is expected that local authorities will start to submit their application to the Secretary of State in March 2022.

Subject to approval of the application and the implementation of the systems needed, some authorities are likely to start MTE in May / June 2022.

The approval of the application by the Secretary of State does not place a duty or obligation on the Council to undertake MTE or to enforce each restriction throughout Coventry. Indeed, enforcement should only be used to target problem locations.

1.12 It is proposed that MTE will be carried out by the Council's CCTV Enforcement Officers who will use Automatic Number Plate Recognition (ANPR) CCTV cameras to issue penalty charge notices to offending vehicles. The cameras must be certified by the Vehicle Certification Agency as an 'approved device' for MTE purposes.

The Council's Parking Services will be responsible for the associated enforcement and back-office functions which include administering the penalty charge recovery process and dealing with any appeals.

1.12.1 Subject to the development of a business case and approval of the expenditure involved, it is proposed that a limited number of cameras will be installed at priority locations with the aim of educating motorists and improving compliance levels. Once compliance levels have improved, the cameras can be redeployed / relocated to other known 'hot-spots'.

2. Options considered and recommended proposal

2.1 The Cabinet is recommended to give approval for officers to apply to the Secretary of State to adopt MTE powers.

2.2 The alternative is to do nothing and continue 'as is' and not enforce the traffic restrictions. This would continue to place the onus on the Police which in turn means that valuable Police resources are distracted from tackling other criminal activity in the city. In doing so

there is a potential reputational risk that the Council is not fulfilling its duty under the TMA 2004 to ensure the streets remain safe to use.

Officers do not recommend this option as it would mean that some motorists would continue to ignore the restrictions which puts other road users at risk whilst having a detrimental impact on traffic congestion, bus journey times and air quality.

3. Results of consultation undertaken

- 3.1 As part of the formal application to the Secretary of State, officers are required to undertake a minimum six-week public consultation and engagement on the detail of planned civil enforcement of moving traffic contraventions including the types of restrictions to be enforced. The consultation and engagement campaign will include using local press, social media, and other channels available to raise public awareness.

4. Timetable for implementing this decision

- 4.1 It is expected that the Secretary of State will invite applications from local authorities wishing to adopt MTE powers in March 2022.

5. Comments from the Chief Operating Officer (Section 151 Officer) and Director of Law and Governance

5.1 Financial implications

There are no material financial implications to the Council arising from this report which is about the principle of applying for MTE powers. The cost of the consultation is estimated to be less than £10k and will be funded from existing budgets.

However, subject to the approval to proceed, there would be both capital and revenue cost impacts arising from the implementation of MTE including, but not limited to, the one-off procurement and installation of CCTV cameras and the enforcement system; additional staff resources required to issue penalty notices and deal with the back-office administration; additional income generated from penalty notices.

It is proposed that the financial business case is developed by officers during the next two months and a formal report is taken to the Cabinet Member for City Services for consideration and approval before proceeding with the adoption of the powers or incurring any associated expenditure. It would be expected that the business case demonstrates cost neutrality in that the income generated each year from enforcement will be sufficient to repay the capital investment (funded over the asset life), together with the staffing and other running costs of the scheme.

5.2 Legal implications

There are no direct legal implications arising from this report. However, Legal Services will be integral to the formal application process to the DfT and the proposed adoption of the new enforcement powers.

6. Other implications

6.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

The proposal to adopt MTE powers will help to support the Council's aim of ensuring that road users, especially children and young people, are safer, by reducing the potential for road traffic collisions through the enforcement of illegal manoeuvres. It also supports the objective of reducing crime and the potential for anti-social behaviour.

6.2 How is risk being managed?

There are no risks associated with this report or the application to adopt MTE powers. The overall costs to the Council at this stage are negligible and any additional costs can be managed within the budget available.

A formal Cabinet Member report is proposed to progress with the scheme once a cost neutral business cases has been established.

6.3 What is the impact on the organisation?

None

6.4 Equality Impact Assessment (EIA)

None – as this report seeks approval to apply to the Secretary of State for the powers to enforce moving traffic offences.

Subject to approval, an Equalities Impact Assessment will be completed prior to the implementation of MTE measures.

6.5 Implications for (or impact on) climate change and the environment

None

6.6 Implications for partner organisations?

The adoption of moving traffic enforcement powers by the Council will enable the Police to redirect resources to other priorities.

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