

# Executive Member Decision



**REPORT OF:** Executive Member for Growth and Development

**LEAD OFFICERS:** Strategic Director of Place

**DATE:** Friday, 27 August 2021

**PORTFOLIO(S) AFFECTED:** Growth and Development

**WARD/S AFFECTED:** All Wards

## **SUBJECT:**

Approval to issue notice to apply for a Designation Order for Civil Enforcement of Moving Traffic Contraventions to DfT

## **1. EXECUTIVE SUMMARY**

Regulation of the movement of traffic on roads is intended to ensure safety, avoid congestion and enable specific classes of traffic, such as buses, be given priority in the allocation of road space.

Effective enforcement is required to ensure that the regulation of traffic is effective and increasingly, because of having to focus on their core responsibilities, the police service is not in a position to give high priority to more minor traffic contraventions. Therefore notification, adjudication and enforcement of such contraventions by Civil (as opposed to criminal) bodies provides an alternative way of dealing with such contraventions.

## **2. RECOMMENDATIONS**

That the Executive Member for Growth and Regeneration approve of the request to submit our Notice to Apply and move to the next steps detailed below:

### **What next, prior to formal Application**

- Consult with the Chief Officer of Police
- Review traffic signing and road markings and ensure that TRO's are accurate and lawful
- Take the opportunity to identify and remove any signs that are either obsolete or no longer necessary, reducing sign clutter and aiding effective enforcement by ensuring drivers are presented with clear information in an uncluttered environment
- Confer with neighbouring authorities to ensure that road users benefit from a consistent approach to moving traffic enforcement
- Consider costs of required improvements to TRO's, signs and roadmarkings and associated enforcement such as cameras
- Set a timeframe for introducing the enforcement and priority locations. This can be undertaken as a phased approach across the Borough

Carry out a minimum six-week public consultation on the detail of planned civil enforcement of moving traffic contraventions, including the types of restrictions to be enforced and the location(s). Consider all objections raised and take such steps the Council considers reasonable to resolve any disputes. Carry out effective public communication and engagement, for example using local press and social media, and continue up to the start of enforcement and for a reasonable period thereafter.

### **3. BACKGROUND**

Moving traffic contraventions will be decriminalised outside of London by the end of 2021. Local Authorities wishing to acquire powers (under part 6 of the Traffic Management Act 2004) will be required to apply, after confirmation of the changes, to the Secretary of State for a Designation Order.

#### **Changes to Legislation**

Moving traffic contraventions will be decriminalised outside of London by the end of 2021. Local Authorities wishing to acquire powers (under part 6 of the Traffic Management Act 2004) will be required to apply, after confirmation of the changes, to the Secretary of State for a Designation Order.

#### **Offences covered**

Road traffic contraventions subject to Civil Enforcement are covered in Schedule 7 of the Traffic Management Act 2004 and moving traffic offences are covered in Part 4. These are required to be underpinned by a Traffic Regulation Order (TRO) and indication by lawful signs and road markings and include:

- Parking contraventions
- Bus lane contraventions
- Moving traffic contraventions (from 2022)

Moving traffic contraventions subject to civil enforceable traffic signs to include:

- Vehicular traffic must proceed in the direction indicated by the arrow
- Vehicular traffic must turn ahead in the direction indicated by the arrow
- No right turn for vehicular traffic
- No left turn for vehicular traffic
- No U-turns for vehicular traffic
- Priority must be given to vehicles from the opposite direction
- No entry for vehicular traffic (when the restriction or prohibition is one that may be indicated by another traffic sign subject to civil enforcement)
- All vehicles prohibited except non-mechanically propelled vehicles being pushed by pedestrians
- Entry to pedestrian zone restricted (alternative types)
- Entry to and waiting in pedestrian zone restricted (alternative types)
- Entry to and waiting in pedestrian zone restricted (variable message sign)
- Motor vehicles prohibited
- Motor vehicles except solo motor cycles prohibited
- Solo motor cycles prohibited

- Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle symbol prohibited
- One way traffic
- Buses prohibited
- Route for use by buses and pedal cycles only
- Route for use by tramcars only
- Route for use by pedal cycles only
- Route for use by pedal cycles and pedestrians only
- Route comprising two ways, for use by pedal cycles only and by pedestrians only
- Contra-flow cycle lane
- Box junction markings

### **Notice to Apply Process**

An Authority wishing to acquire Civil Enforcement powers is required to submit a Notice to Apply, under paragraph 8 of Schedule 8, by 15<sup>th</sup> September 2021, in writing. This will include:

- the date by which the local authority is to make the application (“the application date”)
- the latest date by which the application must request that the order comes into force (“the in-force date”), and
- the area in respect of which the application is to be made
- Confirm that the appropriate chief officer of police has been notified, in writing, of the Council’s intention to give such a notice, indicating the application date, the in-force date and the area it intends to specify in the notice

### **Benefits of Applying for Enforcement Powers**

- Safer roads for drivers, cyclists and pedestrians, with potentially fewer road traffic accidents, where traffic flows better and that local authorities can better plan for new housing and roads
- Police officers will be freed up to focus on crime within the community

## **4. KEY ISSUES & RISKS**

Reviewing current TRO’s, lining and signing to ensure they are accurate and lawful will be time consuming and resource heavy and implementing enforcement measures will also require additional budget. However this exercise will benefit the traffic team and civil enforcement will result in additional income to the Council and result in safer roads for drivers, cyclists and pedestrians, with potentially fewer road traffic accidents.

Consultation and clear communication will be critical to ensure that expectations of elected members and residents are not raised once the Council hold these new powers and the Highways service will need to be clear on what enforcement we will undertake and where.

## 5. POLICY IMPLICATIONS

None

## 6. FINANCIAL IMPLICATIONS

Additional income will be required to revise / renew TRO's, lining and signing and to invest in camera enforcement. It is expected that additional income will ensure that this is recovered over a short payback period and forecasted income from new powers will be included with the formal application process and EMB report.

## 7. LEGAL IMPLICATIONS

Legal colleagues have been consulted and will be integral to the formal application process and enforcement of the new powers.

## 8. RESOURCE IMPLICATIONS

It is expected that the existing traffic team can undertake the review but it may be necessary to fund the commission of consultants to assist. This will be confirmed within the formal application process and EMB report.

## 9. EQUALITY AND HEALTH IMPLICATIONS

**Please select one of the options below.**

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision.

## 10. CONSULTATIONS

As part of the formal application process the Highways Service will undertake a six-week public consultation on the detail of planned civil enforcement of moving traffic contraventions, including the types of restrictions to be enforced and the location(s).

Following that we will consider all objections raised and take such steps the Council considers reasonable to resolve any disputes. Carry out effective public communication and engagement, for example using local press and social media, and continue up to the start of enforcement and for a reasonable period thereafter.

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published.

<b>CONTACT OFFICER:</b>	Dwayne Lowe, Head of Highways, Transport and Network, dwayne.lowe@blackburn.gov.uk
<b>DATE:</b>	25 <sup>th</sup> August 2021
<b>BACKGROUND PAPER:</b>	