

CABINET	AGENDA ITEM No. 10
19 December 2022	PUBLIC REPORT

Report of:	Rob Hill, Service Director, Communities	
Cabinet Member(s) responsible:	Cllr Steve Allen, Deputy Leader and Cabinet Member for Communication, Culture and Communities	
Contact Officer(s):	Clair George, Head of Prevention and Enforcement Service Adam Payton, Community Safety Neighbourhood Manager	Tel. 07920 160733

APPLICATION FOR MOVING TRAFFIC ENFORCEMENT POWERS

RECOMMENDATIONS	
FROM: Rob Hill, Service Direct Communities (Acting)	Deadline date: N/A
<p>It is recommended that:</p> <ol style="list-style-type: none"> 1. Cabinet approve an application to be submitted to the Department for Transport for Peterborough City Council to apply for a Designation Order to enforce moving traffic offences. 2. Subject to that application being approved, Cabinet delegates the implementation of that delegation to the Executive Director for Place and Economy in consultation with the relevant Cabinet Member. 	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Cabinet following a request from cabinet members to investigate and apply for moving traffic offence enforcement powers if investigations detail it would benefit Peterborough.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to advise cabinet on application for moving traffic enforcement powers for their consideration and to recommend delegating authority to Adrian Chapman, for final sign off the application to the Department for Transport.
- 2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.1, *'To take collective responsibility for the delivery of all strategic Executive functions within the Council's Major Policy and Budget Framework and lead the Council's overall improvement programmes to deliver excellent services.'*

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
Date for relevant Council meeting	N/A	Date for submission to Government Dept. (Please specify which Government Dept.)	Department for Transport 13/01/23

4. BACKGROUND AND KEY ISSUES

4.1 In May 2022 the government enacted part 6 of the Traffic Management Act 2004, which allows local authorities in England (outside London) to apply for powers to enforce moving traffic offences for the first time. Previously moving traffic offences could only be enforced by the police.

4.2 Pending the result of a 6-week citywide consultation, it is proposed that we apply to the Department for Transport for the new powers. The consultation is due to end 23rd December 2022. Legislation and guidance dictates there must be a 6-month warning notice period for first offenders in all new enforcement locations, there will be the ability to issue Penalty Charge Notice (PCNs) to offenders with a level of charge set at £70 reduced to £35 if paid within 14 days.

4.3 The DfT has provided guidance on the conditions that a local authority must meet and commit to in respect of bringing forward moving traffic enforcement sites. The key requirements are that we have;

- Consulted with the appropriate Chief Officer of Police
- Carried out a minimum six-week public consultation on the detail of the planned civil enforcement of moving traffic contravention locations
- Consider all objections raised and has taken such steps the Council considers reasonable to resolve any disputes.
- 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.
- Ensured all moving traffic restrictions to be enforced will be underpinned by accurate Traffic Regulation Orders and indicated by lawful traffic signs and road markings. (*Local authorities are not required to audit all TROs and traffic signs but instead those that are directly related to the moving traffic restrictions to be enforced*)
- Ensured all the relevant equipment has been certified by the Vehicle Certification Agency, specifically for moving traffic contraventions.

Enforcement will be carried out using an approved device, this is a camera with automatic number plate recognition that has been certified by the Vehicle Certification Agency (VCA).

4.4 To support the application and make sure local authorities progress and implement the new powers in a timely manner, the DfT is requesting that specific sites are identified on the application and enforcement introduced to ensure the Order is used.

4.5

The below six locations have initially been identified to enforce moving traffic offences – they are as follows

- Long Causeway – entrance into pedestrian area
- Westgate – entrance from Midgate/Broadway into pedestrian area
- Church Street – no entry from Cowgate/Cross Street
- Stanground South – new bus gate
- Park Farm – new bus gate
- Queens Drive West – School Safer Streets pedestrian area.

Increased compliance at these locations will make the city a safer place for pedestrians, cyclists and other vulnerable road users as well as reduce delays and obstructions for public transport services.

4.6

Other benefits include;

4.7

- Safer city centre pedestrian areas with less vehicle traffic – creating a better environment.

- Safer school streets without the need for volunteers to man road closures – likely to lead to a greater uptake of the scheme as well from other schools
- Improved bus service via opened bus gates.
- Less parking enforcement requirement in moving traffic enforcement areas – vehicles can be dealt with via camera for the moving offence, freeing officers up to patrol elsewhere.
- Once an application is made and a designation order is issued additional locations and sites can be added easily. Schemes can be introduced to tackle problems in other places. All that is required to add additional locations is a new 6-week consultation for any new site.
- Equipment installed in locations could be moved on to new sites if compliance reaches an acceptable level.

5. CORPORATE PRIORITIES

- 5.1 This project aligns with the priorities within the corporate strategy, specifically to ‘Create healthy and safe environments where people want to live, invest, work, visit and play’.
- 5.2 The Carbon Impact Assessment summary states, there will be increases on the council's energy consumption that are unavoidable in order to conduct the enforcement - it must, by legislation, be conducted by approved camera devices. Paper waste will also be created, again forced upon us by legislation that dictates notices must be served in the post. However, overall, it would be hoped the proposal has a positive impact on carbon emissions as it seeks to promote active travel, discourage motor vehicle use in key areas and improve traffic flow, congestion and public transport.

6. CONSULTATION

- 6.1 Consultation taken place with relevant stakeholders and Council officers includes:

- City Wide 6-week public consultation
- Chief Police Officer
- Cabinet Members
- Legal
- Highways
- Procurement

7. ANTICIPATED OUTCOMES OR IMPACT

- 7.1 The anticipated outcome or impact of this report is that a designation order for moving traffic enforcement powers will be issued to the council and we will be able to enforce offences at the initial 6 locations and consider additional locations in the future. It should lead to an increase in compliance with the restrictions leading to a significant drop in offending at the 6 locations and give us a tool going forward to tackle issues in problem locations.

8. REASON FOR THE RECOMMENDATION

- 8.1 To expand the council's enforcement powers to create safer spaces for residents, visitors and businesses in the city.

Applications for these powers are being invited in tranches – the deadline for Tranche 2 applications is 13 January 2023 and so a decision needs to be taken now to make this deadline. Applications made in the 2 Tranche are likely to see designation orders granted by July 2023. A third tranche timeline has yet to be determined and therefore it is not clear how long we might have to wait if we miss the tranche 2 deadline.

9. ALTERNATIVE OPTIONS CONSIDERED

- 9.1 The following alternatives have been considered and rejected:

Do not make an application for moving traffic powers and leave these offences for the police to deal with – there is no duty placed upon local authorities to use these powers. This has been rejected due to police priorities and resources making it unlikely they would be able to improve compliance in the locations considered.

10. IMPLICATIONS

Financial Implications

- 10.1 At this stage there is limited financial impact as the request at this stage is to apply for moving traffic enforcement powers only. However, a transformation proposal has been drawn up which highlights both the estimated costs and potential financial benefits of implementing enforcement of moving traffic offences at the 6 initial locations. Funding would be required to purchase, install and configure camera equipment but it is predicted PCN revenue would cover these costs within the first 2 years. Any surplus income received above the cost of operating the service would be ring fenced for spending on transport, environmental or safety projects under the legislation

Legal Implications

- 10.2 Enforcement sites must be backed by correct Traffic Regulation Orders and enforcement undertaken in line with legislation.

Equalities Implications

- 10.3 None.

11. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 11.1 None.

12. APPENDICES

- 12.1 None.