

# **Norfolk County Council**

## **Record of Individual Cabinet Member Decision**

**Responsible Cabinet Member: Cllr Wilby (Cabinet Member for Highways, Infrastructure & Transport)**

### **Background and Purpose:**

The Department for Transport (DfT) have confirmed that there are plans to make it possible for local authorities to apply for designated powers to undertake civil enforcement against moving traffic offences as part of their network management duty. In a similar process to bus gate enforcement, these powers would permit the Council to issue penalty charge notices to motorists who violate certain traffic restrictions, such as banned turn movements, driving in pedestrian zones and in mandatory cycle lanes.

London boroughs already possess these powers, and it has been evidenced that enforcement in select locations has helped to improve traffic flow, speeds as well as reduce the number of injury collisions on the network. In particular, the benefits towards protecting sustainable and active transport have been highlighted, with tangible advantages in improving air quality and progress towards the decarbonisation of transport.

A previous Cabinet Member decision report tasked officers to determine costs, identify potential locations, undertake the necessary public consultation and report back with this information to enable a decision to be made on whether to submit an application. This work has now been completed and the findings are set out in this report. Seven potential locations were identified, and a public consultation carried out, with 111 responses showing overall support for all locations proposed. All pre-requisites for making an application have now been satisfied and the Council is in a position to formally submit an application to obtain civil enforcement powers.

### **Decisions:**

- 1. For the County Council to submit an application to the Department for Transport for civil enforcement powers for moving traffic violations in Norfolk.**
- 2. In the event that the application is successful, and the powers are granted, task officers to take steps to put arrangements in place for appropriate enforcement at the locations set out in this report.**

**Is it a key decision? Yes**

**Is it subject to call-in? Yes**

**If Yes – the deadline for call-in is:** 4pm, Thursday 19 May 2022

**Impact of the Decision:** Norfolk County Council would submit an application to the Department for Transport to be designated civil enforcement powers for moving traffic offences in Norfolk. See Section 3 of the decision report for more details.

**Evidence and reason for the decision:** See section 4 of Individual Cabinet Member Decision Report.

**Alternative options considered and rejected:** See section 5 of Individual Cabinet Member Decision Report.

**Financial, Resource or other implications considered:** See Individual Cabinet Member Decision Report.

**Record of any conflict of interest:**

**Background documents:**

- [Gear Change: A bold vision for walking and cycling – Department for Transport, July 2020](#)
- [Environmental Policy – Full Council paper, 25 November 2019](#)
- [Local Transport 4 – Full Council paper, 29 November 2021](#)
- [Previous Delegated Decision Report \(Preparing Application\) 04 February 2022](#)

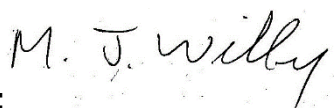
**Date of Decision:** 11/05/2022

**Publication Date of Decision:** 12/05/2022

**Signed by Cabinet Member:**

I confirm that I have made the decision set out above, for the reasons also set out.

**Signed:**



**Print name:** Cllr Martin Wilby

**Date:** 11/05/2022

**Accompanying documents:**

- The attached report

Once you have completed your internal department clearance process and obtained agreement of the Cabinet Member, send your completed decision notice together with the report and green form to [committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk)

# **Individual Cabinet Member Decision Report**

**Item No:**

**Report Title: Submitting Application for Moving Traffic Offences Civil Enforcement Powers**

**Date of Meeting: N/A**

**Responsible Cabinet Member: Cllr Wilby** (Cabinet Member for Highways, Infrastructure & Transport)

**Responsible Director: Tom McCabe Executive Director for Community and Environmental Services**

**Is this a Key Decision? Yes**

**If this is a Key Decision, date added to the Forward Plan of Key Decisions: 06 April 2022**

## **Executive Summary**

The Department for Transport (DfT) have confirmed that there are plans to make it possible for local authorities to apply for designated powers to undertake civil enforcement against moving traffic offences as part of their network management duty. In a similar process to bus gate enforcement, these powers would permit the Council to issue penalty charge notices to motorists who violate certain traffic restrictions, such as banned turn movements, driving in pedestrian zones and in mandatory cycle lanes.

London boroughs already possess these powers, and it has been evidenced that enforcement in select locations has helped to improve traffic flow, speeds as well as reduce the number of injury collisions on the network. In particular, the benefits towards protecting sustainable and active transport have been highlighted, with tangible advantages in improving air quality and progress towards the decarbonisation of transport.

A previous Cabinet Member decision report tasked officers to determine costs, identify potential locations, undertake the necessary public consultation and report back with this information to enable a decision to be made on whether to submit an application. This work has now been completed and the findings are set out in this report. Seven potential locations were identified, and a public consultation carried

out, with 111 responses showing overall support for all locations proposed. All pre-requisites for making an application have now been satisfied and the Council is in a position to formally submit an application to obtain civil enforcement powers.

## **Recommendations:**

- 1. For the County Council to submit an application to the Department for Transport for civil enforcement powers for moving traffic violations in Norfolk.**
- 2. In the event that the application is successful, and the powers are granted, task officers to take steps to put arrangements in place for appropriate enforcement at the locations set out in this report.**

## **1. Background and Purpose**

- 1.1 Norfolk County Council (NCC), as a traffic authority as defined in the Road Traffic Regulation Act 1984, and has a statutory network management duty under the Traffic Management Act 2004 (TMA) to manage its road network, ensuring the expeditious movement of traffic and taking action to avoid, eliminate or reduce congestion.
- 1.2 The Traffic Management Act 2004 Part 6 contains primary legislation to provide powers to the Secretary of State to designate civil enforcement powers to local traffic authorities for the following types of moving traffic restrictions (which are set out in Schedule 7 of the TMA):
  - Must proceed or turn in the direction indicated by the arrow, including keep left or keep right arrows;
  - No entry;
  - No right, left or U-turns;
  - Priority must be given to vehicles from the opposite direction;
  - No entry, motor vehicles prohibited, pedestrian/cycle zones, including timed restrictions;
  - Good vehicles exceeding environmental weight limits;
  - Mandatory cycle lanes (including contra flows);
  - Bus lanes;
  - Yellow box junctions and school keep clears.
- 1.3 The DfT have indicated that regulations will be introduced, which will enact the Secretary of State's powers. This follows on from a commitment contained in 'Gear Change: A Bold Vision for Walking and Cycling', which identified the enforcement of movement traffic offences will enable local authorities to better meet their network management duty, with particular reference to the imperatives of decarbonisation, encouraging active travel and an emphasis on technology as a result of consequential improvements to road safety, congestion and air quality.

- 1.4 Local authorities have been advised that they would then need to apply to the Secretary of State, if they wish, for a designation from around Spring / Summer 2022.
- 1.5 An advice note was issued by the DfT to help local authorities prepare their applications in readiness for this change. The following requirements will need to be met before applications will be accepted:
- The appropriate Chief Officer of Police has been consulted;
  - A minimum of 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 exact location(s) in question;
  - Considered all comments 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;
  - Ensured all the relevant equipment has been certified by the Vehicle Certification Agency specifically for moving traffic contraventions.
- 1.6 The designation of civil enforcement powers will not be selective to specific locations or subsets of signs. However, the expectation is that enforcement should only be used to target problem locations, where previous improvements to signing has not resolved the issue and the Council would not be duty-bound to enforce every applicable restriction.
- 1.7 If designated powers were received from the DfT, the Council would be able to enforce using approved camera devices. This is similar to the procedure currently used for bus gate enforcement, where video footage is reviewed by trained staff in an office, with penalty charge notices issued through the post.
- 1.8 A previous delegated decision was made to proceed with preparing our application, including carrying out a public consultation exercise as a pre-requisite for any application. This public consultation exercise has now been completed and its results are summarised in this report.

## **2. Proposal**

- 2.1 This report seeks approval to finalise and formally apply to the DfT for civil enforcement powers for moving traffic offences in Norfolk.

- 2.2 This is supported by a positive response to the 6-week public consultation exercise, as well as feedback from bus operators and Norfolk Constabulary.

### **3. Impact of the Proposal**

- 3.1 If the application to the DfT is successful and Norfolk County Council is designated civil enforcement powers for moving traffic offences, there will be an expectation from the DfT and consultees that we will utilise these powers and implement enforcement at all 7 proposed locations.
- 3.2 Investment will be needed to establish an enforcement system; more detail on this is provided under section 6 'Financial Impact' below.
- 3.3 Implementing the proposal is expected to bring about improvements in road safety, traffic congestion and air quality, as evidenced by research undertaken in London boroughs where these powers have already been designated.

### **4. Evidence and Reasons for Decision**

- 4.1 A public consultation exercise was carried out on Citizen Space between 1 March 2022 and 25 April 2022. An article was also published in the Eastern Daily Press on 13 March 2022, which advised readers of proposed locations and the link to the public consultation survey.
- 4.2 A total of 111 responses were submitted to the public consultation survey on Citizen Space, which sought views on proposals to use camera enforcement at the following seven locations.

#### **Gentlemen's Walk, Norwich**

- 4.3 A total of 107 responses were submitted, with 76% of respondents either agreeing or strongly agreeing with proposals to enforce the existing pedestrian zone between 10am and 4pm. For those disagreeing, comments stated that camera enforcement was unnecessary or that the existing pedestrian restrictions should be removed.

#### **Carrow Road/King Street junction, Norwich**

- 4.4 Of 107 responses submitted, 66% either agreed or strongly agreed with proposals to use camera technology to enforce the existing right turn ban from Carrow Road onto King Street between 07:30 and 09:30 as well as 16:00 to 18:00. 12% gave a neutral response and 22% either disagreed or strongly disagreed. Of those disagreeing, half stated that either enforcement wasn't necessary or that the existing restrictions should be removed. A further comment suggested that enforcement should only be taken where vehicles are

observed to be waiting over a certain length of time period a clear negative impact on congestion.

#### **Carrow Road/Carrow Hill junction, Norwich**

- 4.5 65% out of a total of 107 responses supported or strongly supported proposals to enforce the existing right turn ban from King Street onto Carrow Hill between 07:30 and 09:30 as well as 16:00 to 18:00. 15% gave a neutral response with 20% disagreeing or strongly disagreeing with this proposal. Additional comments from some of those disagreeing stated that they felt it was either unnecessary or that the existing restrictions should be removed altogether. A further respondent suggested that the existing signing and lining needs to be improved to make the existing restrictions clearer to drivers.

#### **Martineau Lane/Europa Way junction, Norwich**

- 4.6 107 responses were submitted of which 64% were either in favour or strongly in favour of proposals to introduce camera enforcement for the existing right turn ban from Martineau Lane (outer ring road) onto Europa Way. 14% maintained a neutral view, with 22% disagreeing or strongly disagreeing. Of those disagreeing, additional comments stated that either camera enforcement was not necessary or the existing restrictions should be removed.

#### **Regent Road, Great Yarmouth**

- 4.7 Out of 104 responses, 58% either agreed or strongly agreed with proposals to enforce the existing pedestrian zone outside of permitted loading windows (06:00 to 10:00 and 18:00 to 23:00). Compared to other proposals, the number maintaining a neutral stance was higher at 26%, with some commenting that they do not know the area well enough to provide a view. When these are discounted from the responses, 78% either favoured or strongly favoured the proposals. Only 7 comments were received from those disagreeing, with 6 of these either stating that camera enforcement wasn't necessary or that the existing restrictions should be removed altogether. A further comment raised concerns around access to St Mary's Church, particularly for funerals. The existing restrictions on this section of Regent Road already allows access for permit holders and will therefore be accounted for with any camera enforcement solution.

#### **Dereham Road bus lane (near Norwich Road), Norwich**

- 4.8 105 responses were submitted, of which 50% either agreed or strongly agreed with proposals to enforce the existing bus lane on Dereham Road on the eastbound approach to Norwich Road. A further 15% of responses were neutral, and a few of these included additional comments questioning whether emergency vehicles would be exempt, as well as not seeing a frequent enough



bus service to warrant the need for enforcement. Of those disagreeing (35%), some comments were left with the most common themes being that enforcement was not needed or that the bus lane should be removed altogether (in one case the suggestion was to make part-time).

### **Dereham Road bus lane (near Marl Pitt Lane), Norwich**

4.9 A total of 106 responses were submitted, with 50% agreeing or strongly agreeing with the proposal to use camera enforcement on the eastbound bus lane approaching Marl Pitt Lane. A further 17% of responses were neutral, with two responses questioning whether emergency vehicles, or those vehicles that need to move into the bus lane to allow emergency vehicles to pass, would be exempt. Exemptions will apply to vehicles responding to emergencies, and vehicles manoeuvring into and stopping in the bus lane to allow emergency vehicles to pass, then immediately exiting the bus lane would also be exempt from enforcement. Of the remaining 33% disagreeing or strongly disagreeing with this proposal, some comments were provided which suggested that camera enforcement was not needed or that the existing bus lanes should be removed.

### **Other considerations**

4.10 The Chief Constable of Norfolk Constabulary has been consulted and is supportive of the Council's proposals.

4.11 All objections to the consultation, which has been summarised above, have been considered. Most objections received did not provide any comments outlining a reason, however those that did can be summarised into 4 categories;

- ***“Traffic enforcement is not necessary”*** – most comments simply said that traffic enforcement was not necessary at the above locations. More extensive comments highlighted those respondents had never observed the violations described. The 7 locations proposed had been identified by Norfolk Constabulary, bus operators and/or highway engineers as priority areas and are all supported by Norfolk Constabulary with their historical knowledge of enforcement at these locations. The advice note from the DfT also confirms that the public consultation exercise should focus on the specific locations, rather than the general principle of moving traffic enforcement.
- ***“The existing Traffic Regulation Order(s) should be removed”*** – some respondents did not appear to appreciate that the restrictions already

existed and incorrectly assumed that the proposals were around introducing new restrictions. Other respondents stated that the existing restrictions should be removed. The DfT advice note confirms that the public consultation should be around the proposal to enforce existing restrictions, rather than the existing traffic regulation orders themselves. All locations received majority support towards the proposals both from the public consultation as well as consultation with bus operators and Norfolk Constabulary.

- ***“Access arrangements for exempt vehicles”*** – this includes emergency vehicles, vehicles moving into bus lanes to allow emergency vehicles to pass and vehicles legitimately accessing premises. In all cases where specific scenarios have been provided, that movements described will be covered by exemptions contained in the existing traffic regulation orders, and therefore these legitimate movements will not result in penalty charge noticed.
- ***“Signs and lines need to be improved to raise driver awareness”*** – the Traffic Regulation Orders and associated signs and lines for all proposed locations have been reviewed and confirmed as lawful. Further work is planned to reduce sign clutter wherever possible to ensure that the relevant regulatory signs are as prominent as possible.

4.12 All of the points discussed in this section demonstrate how the pre-requisites to submitting our application to the DfT outlined in 1.5 above have been satisfied.

## **5. Alternative Options**

5.1 There is no requirement to apply for Moving Traffic Offence powers. However, this is not recommended given the overall public support for each location evidenced by the consultation exercise and summarised in section 4.

## **6. Financial Implications**

6.1 Both capital and revenue investment will be required to establish and operate moving traffic enforcement. Estimates have been produced by early engagement with potential suppliers of systems and services. The figures provided are broad estimates and will be further refined once our application has been submitted and accepted by the DfT.

6.2 Assuming that all 7 locations discussed in this report will be progressed, a capital investment of around £275,000 will be required to fund the supply and installation of suitable enforcement cameras as well as associated civil and traffic engineering works. This will be funded from within the Highways Capital Programme, utilising external funding where possible.

- 6.2 It is estimated that annual revenue expenditure will be around £270,000. This includes operational staff required to operate the system, issuing notices, processing appeals and general enquiries. This will be funded from within the existing Highways & Transport revenue budgets and will utilise external funding sources wherever possible. As detailed below, operationally, the system will become financially self-sustaining by the second year.
- 6.3 The intention is that eventually this revenue cost will become financially self-sustaining by being offset by income generated from penalty charge notices. This is forecasted to be achieved in year 2 of its operation, mainly because for the first six months of operation warning notices rather than penalty charge notices will be issued for vehicles committing offences. The enforcement equipment capital payback is expected to be around 4 years, after which any surplus generated will be reinvested in highway maintenance as and schemes with the objective of improving

## **7. Resource Implications**

- 7.1 **Staff:** The design and procurement of the initial camera enforcement systems will be undertaken by existing officers within the Highways service, with installation of cameras and associated civil engineering works to be undertaken by contractors. Several options for issuing penalty charge notices and processing payments are being considered, including outsourcing to third party contractors. It is anticipated that two appeals officer posts will need to be created in order to review and process complex appeals cases and will be integrated into existing highway teams. These resource implications have been factored into the financial implications section above.
- 7.2 **Property:** None identified, enforcement cameras will be installed on the existing highway.
- 7.3 **IT:** Procurement of a suitable system to review camera footage as well as to process penalty charge notices will be required. It is possible that either or both options can be outsourced using cloud-based systems. Alternatively existing systems in house, such as our apply and pay online service could be utilised for the payment of penalty charge notices.

## **8. Other Implications**

- 8.1 **Legal Implications:** Proceeding with the recommendations of this report is likely to result in the Council being designated statutory powers to enforce Moving Traffic Regulations via a statutory instrument under Part 6 of the Traffic Management Act 2004.

**8.2 Human Rights Implications:** None identified

**8.3 Equality Impact Assessment (EqIA) (this must be included):** The proposal to enforce existing moving traffic offences has been assessed as likely to have a positive impact on individuals with protected characteristics, who are otherwise likely to be disproportionately affected by vehicles committing moving traffic violations. Some mitigating actions have also been identified in relation to ensuring equal access to information on these proposals and subsequent implementation of enforcement activities

**8.4 Data Protection Impact Assessments (DPIA):** As part of the consultation and implementation process all personal data has been removed from reports being put into the public domain. Personal data has been stored as per NCC standards to allow further correspondence as part of the delegated decision process.

**8.5 Health and Safety implications (where appropriate):** Existing publications, including from central government, has identified that enforcement of moving traffic offences has helped to improve road safety.

**8.6 Sustainability implications (where appropriate):** Applying for powers is expected to result in improvements to sustainability as identified in 1.3 above.

**8.7 Any Other Implications:** None identified.

## **9. Risk Implications / Assessment**

9.1 Establishing enforcement operations could prove to be financially unsustainable and require continued, ongoing investment to function. Further, more detailed work will be carried out to ensure that solutions identified in each location are as financially sustainable as possible. The Council can still apply for these new powers, and enforcement will be undertaken at a level to suit the financial envelope.

9.2 Members of the public could negatively perceive enforcement operations to simply be a cash-generating exercise. Public communication and transparency is key, demonstrating the wider societal benefits of enforcing restrictions on highway safety, congestion and air quality as well as how income from penalty charge notices have been reinvested into highway services.

## **10. Recommendation**

1. For the County Council to submit an application to the Department for Transport for civil enforcement powers for moving traffic violations in Norfolk.
2. In the event that the application is successful, and the powers are granted, task officers to take steps to put arrangements in place for appropriate enforcement at the locations set out in this report.

## 11. Background Papers

- 12.1 [Gear Change: A bold vision for walking and cycling – Department for Transport, July 2020](#)
- 12.2 [Environmental Policy – Full Council paper, 25 November 2019](#)
- 12.3 [Local Transport 4 – Full Council paper, 29 November 2021](#)
- 12.4 [Previous Delegated Decision Report \(Preparing Application\) 04 February 2022](#)

### Officer Contact

If you have any questions about matters contained within this paper, please get in touch with:

**Officer name: Alex Cliff**

**Telephone no.: 01603 222311**

**Email: alexander.cliff@norfolk.gov.uk**



If you need this report in large print, audio, braille, alternative format or in a different language please contact 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.