

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 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 has been highlighted, with tangible advantages in improving air quality and progress towards the decarbonisation of transport.

Before an application can be submitted, pre-requisites need to be satisfied including a 6-week public consultation detailing proposed locations. This report seeks approval to commence exploring this opportunity, including work to determine costs and identify potential locations, followed by undertaking the necessary consultation. This will enable an application to be prepared, which will then be subject to a further review and individual member decision before it is submitted to the Department for Transport.

Decision:

- 1. To task officers to proceed with exploring this opportunity, including work to determine costs, identifying potential locations (in line with the principles set out in para 2.2), and undertaking the necessary public consultation, and report back with this information to enable a decision to be made on whether to submit an application to the Department for Transport for civil enforcement powers against moving traffic offences in Norfolk.**

Is it a key decision? No

Is it subject to call-in? Yes

If Yes – the deadline for call-in is: 4pm, Friday 11 February 2022

Impact of the Decision: Norfolk County Council would begin preparing an application to apply for civil enforcement powers by meeting the pre-requisites set out by the Department for Transport. This includes undertaking a 6 week public consultation exercise.

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:

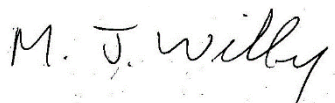
- [Gear Change: A bold vision for walking and cycling – Department for Transport, July 2020](#)
- [Environmental Policy – Full Council paper, 25 November 2019](#)
- [Local Transport 4 – Full Council paper, 29 November 2021](#)

Date of Decision: 04/02/2022

Publication Date of Decision: 04/02/2022

Signed by Cabinet Member:

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

A handwritten signature in black ink, appearing to read 'M. J. Wilby', with a small circular stamp or mark below it.

Print name: Cllr Martin Wilby

Date: 04/02/2022

Accompanying documents:

- The 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

Individual Cabinet Member Decision Report

Item No:

Report Title: Applying 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? No

If this is a Key Decision, date added to the Forward Plan of Key Decisions: N/A

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.

Before an application can be submitted, pre-requisites need to be satisfied including a 6-week public consultation detailing proposed locations. This report seeks approval to commence the preparation of our application, which will then be subject to a

further review and individual member decision before it is submitted to the Department for transport.

Recommendation:

- 1. To task officers to proceed with exploring this opportunity, including work to determine costs, identifying potential locations (in line with the principles set out in para 2.2), and undertaking the necessary public consultation, and report back with this information to enable a decision to be made on whether to submit an application to the Department for Transport for civil enforcement powers against moving traffic offences in Norfolk.**

1. Background and Purpose

- 1.1 Norfolk County Council (NCC), as a traffic authority, has a statutory network management duty under the Traffic Management Act 2006 (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 2006 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:
 - 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.

- 1.5 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.
- 1.6 Statutory guidance is due to be issued in conjunction with the regulations coming into force.
- 1.7 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 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;
 - Ensured all the relevant equipment has been certified by the Vehicle Certification Agency specifically for moving traffic contraventions.
- 1.8 The designation of civil enforcement powers will not be selective to specific locations or subsets of signs. However, the Council would not be duty-bound to enforce every applicable restriction. The expectation is that enforcement should only be used to target problem locations, where previous improvements to signing has not resolved the issue.
- 1.9 If designated powers were received, 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.

2. Proposal

- 2.1 This report seeks approval to commence exploring this opportunity, including work to determine costs and identify potential locations, followed by undertaking the necessary public consultation. The information and views gathered as part of this work will be presented to Members to consider and determine whether an application to the Department of Transport for these powers in Norfolk should be made.

- 2.2 To help guide the work around identifying potential locations, and with a view to managing expectations on which locations would be eligible for enforcement (in line with DfT's expectations to tackle problem locations), four guiding principles are proposed to guide this work; enforcement will be considered at locations where violations of enforceable moving traffic restrictions have caused one or more of the following:
- Significant levels of congestion, particularly to sustainable modes of transport, including buses, walking and cycling;
 - Clusters of injury accidents;
 - Significant adverse impact on air quality within local communities;
 - Significant, repeated damage to transport infrastructure or private properties.
- 2.3 A preliminary consultation with highway area and bridges teams and public transport operators will be carried out first to identify the priority sites across the network that will inform a subsequent public consultation exercise.
- 2.4 The selection of sites will be evidence-based, with the benefits of enforcement clearly linked to one or more of the guiding principles set out in 2.2.
- 2.5 A six-week public consultation exercise is then required to gather feedback. All responses will be considered, and attempts made to resolve any objections received.
- 2.6 This findings of this work will be reported to Members to determine whether an application to the Department for Transport should be made. This report will outline the proposed finalised list of enforcement sites, the revenue and capital budget required and suggested funding options.

3. Impact of the Proposal

- 3.1 If designated powers are received, the Council would be able to carry out civil enforcement against certain types of moving traffic offences. There would be no obligation to carry out this function, however there will be an expectation from the DfT, public transport operators and members of the public that we would do so.
- 3.2 Additional resources will be required to undertake enforcement, from maintaining and operating traffic enforcement cameras to reviewing and processing penalty charge notices and associated appeals.
- 3.3 While no additional budget is currently required to progress the above proposal, a revenue and capital budget will be required to facilitate the establishment and ongoing running costs of enforcement should an application be made to and approved by the Department of Transport. The size of this budget required will

depend on the locations to be enforced; details of the financial implications will be set out the report on the findings of this initial work, along with suggested funding options..

4. Evidence and Reasons for Decision

- 4.1 The government has recognised the role that the enforcement of moving traffic offences can play in supporting the network management duty. Traffic flows and speeds as well as casualty rates have improved in London following the introduction of enforcement.
- 4.2 In particular, the positive effect of enforcement on sustainable transport and active travel modes is detailed in the government's 'Gear Change' document published in 2020. Work is underway to update the Network Management Duty to reflect more clearly the current imperatives of decarbonisation, encouraging healthier forms of transport and emphasis on technology.
- 4.3 This is in line with local policies adopted by the Council, namely the Environmental Policy and Local Transport Plan 4, which both set out an objective of working towards carbon neutrality by 2030, as well as favouring improvements for public transport.
- 4.4 Applying for moving traffic offence powers has been identified as a key commitment in our Bus Service Improvement Plan and is also detailed in our associated Enhanced Partnership, which has recently been established under the Bus Services Act 2017.

5. Alternative Options

- 5.1 There is no requirement to apply for Moving Traffic Offence powers. However, this is not recommended given the evidence detailed in section 4.

6. Financial Implications

- 6.1 Further work to explore this opportunity, as set out in this report, will be undertaken utilising existing resources within the Highways service.
- 6.2 A revenue and capital budget would be required to implement and sustain this type of enforcement service, with the aim of moving towards a self-sustaining financial model by offsetting costs against penalty charge notices. (Also see para 3.3. above.)

7. Resource Implications

- 7.1 **Staff:** The further work to explore this opportunity, including review of Traffic Regulation Orders and public consultation will be undertaken by existing

resources within the Council. If subsequent approval is given to submit an application, additional permanent resources will be required to deliver a new service, this will be dependent on the number of locations to be enforced. Further detail on this will be provided in the subsequent report.

7.2 Property: None identified.

7.3 IT: None identified.

8. Other Implications

8.1 Legal Implications: The preparation of our application is not expected to have any legal implications. Applying for the powers, is expected to result in statutory powers being designated to the Council to enforce against Moving Traffic Regulations via a statutory instrument under Part 6 of the Traffic Management Act.

8.2 Human Rights Implications: None identified.

8.3 Equality Impact Assessment (EqIA) (this must be included): An EqIA assessment will be completed as part of the preparation of our application.

8.4 Data Protection Impact Assessments (DPIA): Personal data will be collected as part of a public consultation exercise, which will be completed in line with existing corporate guidelines and privacy notices.

8.5 Health and Safety implications: Applying for powers is expected to result in improvements to Highway Network Safety, as detailed in 1.3 and 4.1 above.

8.6 Sustainability implications: Applying for powers is expected to result in improvements to sustainability as identified in 1.2, 4.2 and 4.3 above.

8.7 Any Other Implications: None identified.

9. Risk Implications / Assessment

9.1 This proposal is deemed to be low risk since the possibility of applying for powers is being explored at this stage.

10. Select Committee Comments

10.1 Not applicable.

11. Recommendation

1. To task officers to proceed with exploring this opportunity, including work to determine costs, identifying potential locations (in line with the principles set out in para 2.2), and undertaking the necessary public consultation, and report back with this information to enable a decision to be made on whether to submit an application to the Department for Transport for civil enforcement powers against moving traffic offences in Norfolk.

12. 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](#)

Officer Contact

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

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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.