

REPORT OF THE CABINET MEMBER, TRANSPORT AND ENVIRONMENT

MOVING TRAFFIC ENFORCEMENT – APPLICATION FOR POWERS

Purpose of the Report

1. To enable the Cabinet to approve the making of an application to the Department for Transport (DfT) for the power to enforce certain moving traffic restrictions.
2. This is a Key Decision because it will have significant effects on two or more electoral divisions.

Information

3. Applying for additional traffic management powers helps deliver the Nottinghamshire Plan Ambition 8 to improve transport connections. In particular, it will directly contribute to the stated aims to keep our highways safe and reduce congestion, improve bus services and local transport connections. Furthermore, reductions in congestion will in turn reduce air pollution meeting the aims of Ambition 9 to protect the environment and reduce our collective carbon footprint.
4. Since the 1st June 2022, Local Authorities have been able to apply to the DfT for the power to enforce specified traffic movements as civilly-enforceable moving traffic contraventions in their administrative area. This paper outlines the County Council's work to date on meeting the pre-application requirements and recommends approving the formal application to the DfT.
5. Moving traffic restrictions include no entry, banned turns, prohibitions of driving, box junctions, and one-way streets amongst certain specified others. In Nottinghamshire, these currently can only be enforced by the Police, and are not considered by them to be a high priority. This variability of enforcement has led to increasing numbers of observed contraventions which can create congestion and, in some cases, the potential for road safety issues. **Appendix A** details the restrictions currently enforced by the Police and which the Council would be seeking authority to also enforce.
6. The application for the powers is made via a formal letter signed by a senior officer from the Authority after Member approval. Prior to the application, the DfT requires the following process to have been completed by the Council.
 - a) Consulting the appropriate Chief Officer of Police.
 - b) Carrying out a minimum six-week public consultation on the detail of planned civil enforcement of moving traffic contraventions at initial chosen sites (rather than whether people agree with the principle of moving traffic enforcement), including the

types of restrictions to be enforced and the location(s) in question. This is intended to communicate the rationale for, and benefits of, moving traffic enforcement to residents and businesses, and allow them the opportunity to raise any concerns. There is no requirement for newspaper advertising.

- c) Considering all objections raised and taking such steps as the Council considers reasonable to resolve any disputes.
 - d) Carrying out such effective public communication and engagement as the Council considers appropriate, for example using local press and social media, and continuing this up to the start of enforcement and for a reasonable period thereafter.
 - e) Ensuring all moving traffic restrictions to be enforced will be underpinned by accurate Traffic Regulation Orders (TROs), where applicable, and indicated by lawful traffic signs and road markings. Local authorities are not required to audit all of their TROs and traffic signs; but instead, those that are directly related to the moving traffic restrictions to be enforced.
 - f) Ensuring all the relevant equipment has been certified by the Vehicle Certification Agency (VCA) specifically for moving traffic contraventions.
7. As part of the consideration of applying for the new powers, the Council opted for the initial two sites below to engage with the public on the detail of enforcement. If the Council is successful in its application for these new enforcement powers, these sites will be the first to have direct enforcement by the Authority. While several sites were considered, the sites selected below exhibited relatively high levels of non-compliance with existing restrictions despite efforts made using renewed lining and additional signs. In addition, both sites carry high levels of traffic so it is anticipated that enforcement will deliver significant traffic management improvements for large numbers of the travelling public.
8. If the application is successful and after enforcement of the two initial sites has commenced, the Authority can then consider future priorities for moving traffic enforcement from the range of powers as set out in Appendix A. Restrictions such as town centre pedestrian areas and environmental weight limits can be future priorities but there are additional complexities in enforcing these restrictions that will require detailed consultations with affected businesses and residents.

SITE 1-Radcliffe Road/Trent Boulevard junction

9. The above junction is marked with a yellow box marking to try and ensure that traffic queuing onto or from Lady Bay Bridge does not block other movements. Additional signs have been erected at this location to encourage adherence to the markings but video footage of the site in the peak hours shows that vehicles regularly queue within the junction causing significant congestion problems on all legs. CCTV enforcement should improve vehicle flows across this strategic junction into and out of Nottingham city.
10. In addition, from Trent Boulevard outbound there is 'no left turn' at the traffic lights. This is to protect pedestrians crossing Radcliffe Road at the same time the junction exits. Traffic counts here show a reasonable number of potentially dangerous contraventions particularly after Nottingham Forest have played at home.

SITE 2- B6166 Asda access, Newark.

11. This access was created for the relatively new Asda store and the restriction was designed to prevent drivers from right-turning into the store from the B6166 which causes traffic to queue back through the B6366/B6166 Bowman crossroads which is a significant junction on the edge of the town centre. In addition, queuing traffic also prevents vehicles exiting the Albert Street junction. Traffic counts in 2020 indicate that despite the signing and road markings 67 vehicles made this manoeuvre in a 12-hour period. CCTV enforcement should significantly reduce this and consequently reduce journey time delays and increase safety at the crossroads.

Public engagement exercise

12. On 4th May 2023, the Council commenced a period of public engagement comprising an online survey detailing the above sites and inviting comments from the public and other stakeholders. Letters were sent to all typical consultees including the emergency services, the District and Borough Councils, cycling groups, bus companies, local Members, adjoining Councils and Highways England. Press releases coincided with this launch and articles appeared in the Nottingham Post, Nottinghamshire Live, West Bridgford Wire, the Newark Advertiser and Radio Newark. The closing date for the public engagement exercise was the 20th June 2023.
13. In summary, over 240 responses to the exercise were received and a clear majority of over 70% of respondents were in favour of enforcing all three restrictions at the two locations. The Police have also written to the Council expressly supporting any application for the powers. Support was also given from Rushcliffe Borough Council and Newark and Sherwood District Council as well as Nottingham City Transport who stated that *'the use of enforcement cameras can only help discourage 'over-queueing' at the junction to the benefit of the reliability of the bus service'*. All local Members with a division where the proposed pilot restrictions are located indicated support for the application.
14. There were a relatively small number of objections received to the proposals and these together with a response are listed in **Appendix B**. Many of these are against the principle of enforcement which the DfT advised did not need a response as enforcement is already a possibility from the Police. For the sake of completeness these are included.

Engagement with the Department for Transport

15. The DfT met with the Council on the 27th June and discussed the obligations the Council has to meet prior to the application that are outlined above. The engagement exercise, press content and the considerations within this report are in line with their expectations. Furthermore, the Council's Traffic Manager has undertaken a review of the Traffic Regulation Orders that underpin the two banned turns and a review of the existing signs and lines at both sites. There are no material issues with either the legal Order or the restrictions on site. Camera warning signs will be erected at both sites to help raise awareness of Local Authority enforcement activity.
16. The requirement to have the cameras certificated by the Vehicle Certification Agency will also be met. It is a process the Council is familiar with as it is required for the existing CCTV car and bus lane enforcement.
17. The DfT have stipulated that prior to any enforcement beginning, further press engagement is expected together with a period of warning notices issued to drivers caught contravening the restrictions. These requirements will also be met.

Other Options Considered

18. The option of not applying for the moving traffic enforcement powers has been considered and rejected. The ability to enforce moving traffic restrictions will enable the Authority to further meet its traffic management duty by addressing sites that cause congestion and on occasion road safety issues. The Traffic Management Act 2004 provided that certain contraventions would be civilly enforceable only by designated traffic authorities. Two tranches of such designations have been undertaken by the DfT and it is understood that the third tranche, to be closed shortly, may be the final opportunity to obtain these powers.

Reasons for Recommendations

19. This decision is to request that the Authority be granted civil enforcement powers in relation to moving traffic contraventions as detailed in Appendix A supplementing those already held by the Authority in relation to parking and bus lane enforcement. It is considered that the option to also enforce these moving traffic offences will significantly improve and enhance the Authority's ability to manage traffic in accordance with our statutory duty within the Traffic Management Act and it should reduce journey time delays and improve road safety in line with the Nottinghamshire Plan actions. It is considered that by applying for these powers, the public will benefit from the Authority's ability to enforce key moving traffic restrictions which in turn will reduce congestion and assist road safety. The engagement exercise demonstrated a good level of public support for the proposals that would justify the application and the submitted objections as detailed in Appendix B have been considered as part of reaching a decision on whether to proceed with the application.

Statutory and Policy Implications

20. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the Public Sector Equality Duty, safeguarding of children and adults at risk, service users, smarter working, sustainability, and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required. In addition, there are clear and well-defined links to the Nottinghamshire Plan.

Data Protection and Information Governance

21. The Council has a comprehensive Data Protection Impact Assessment covering all aspects of the existing enforcement service. The processes for processing data captured by CCTV on moving traffic will be identical to those already used for bus lane and CCTV car enforcement.

Financial Implications

22. Whilst the purpose of this Report is to seek approval to apply to the DfT for the powers to enforce moving traffic restrictions, should the application be successful, and enforcement commences at the initial two identified sites, the CCTV cameras cost approximately £24K to install. The two sites can be enforced using two cameras at a total cost of £48K. This can be met from the existing enforcement surplus. Penalty Charge Notices issued by the cameras would at the current levels be £70 reduced to £35 for payment within 14 days. This Charge level is set nationally. Any future surplus from enforcement after operational costs are deducted is ring-fenced for expenditure in accordance with S55 of the Road Traffic Regulation Act 1984.

Human Rights Implications

23. The implementation of the proposals within this report might be considered to have a minimal impact on human rights (such as the right to respect for private and family life and the right to peaceful enjoyment of property, for example). However, the Authority is entitled to affect these rights where it is in accordance with the law and is both necessary and proportionate to do so, in the interests of public safety, to prevent disorder and crime, to protect health, and to protect the rights and freedoms of others. The proposals within this report are within the scope of such legitimate aims.

Public Sector Equality Duty implications

24. As part of the process of making decisions and changing policy, the Council has a duty 'to advance equality of opportunity between people who share a protected characteristic and those who do not' by thinking about the need to:
- Eliminate unlawful discrimination, harassment, and victimisation.
 - Advance equality of opportunity between people who share protected characteristics (as defined by equalities legislation) and those who do not.
 - Foster good relations between people who share protected characteristics and those who do not.
25. Disability is a protected characteristic, and the Council therefore has a duty to make reasonable adjustments to proposals to ensure that disabled people are not treated unfairly.
26. The proposals have been considered against the protected characteristics and there should be no adverse impact. People with a disability and requiring mobility aids should benefit from a reduction in vehicles ignoring the prohibited no left turn from Trent Boulevard that has the potential to impact upon the safety of pedestrians crossing Radcliffe Road. If the application is successful and the Council uses the new powers to enforce restrictions in place on pedestrianised areas that suffer from vehicle movements in contravention, this will be beneficial to all pedestrians and in particular those with mobility issues.

Implications for Sustainability and the Environment

27. Queuing in box junctions creates knock-on congestion on the other arms of the junction that in turn can impact upon a much wider area of the network and upon air quality. Cameras that can facilitate the operation of such restrictions will in turn reduce unnecessary congestion and any adverse air quality strain. Buses should be able to operate more efficiently with reduced congestion and more vulnerable and sustainable road users such as pedestrians and cyclist will benefit from the enforcement of prohibited turns.

RECOMMENDATIONS

It is **recommended** that:

- 1) Considering the overall outcome of the public consultation, including objections raised and the responses to those issues set out in Appendix B, Cabinet approves the making of an application to the Department for Transport for the power to enforce moving traffic contraventions as described in the report.

COUNCILLOR NEIL CLARKE MBE
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Constitutional Comments (SJE – 05/09/2023)

28. The decision which is the subject of this report is one of the Authority acquiring new County-wide powers which may then be used to enforce moving traffic contraventions. As the crux of this decision is therefore one of new policy, Cabinet is the appropriate body to consider the content of this report.

Financial Comments (KRP 05/09/2023)

29. As noted in the report, there are no financial implications arising directly from the recommendation. The estimated costs and proposed funding for any subsequent camera enforcement are set out in paragraph 22.

Background Papers

None

Electoral Division(s) and Member(s) Affected

All