

Executive

21 April 2022

Report of the Director of Transport, Planning and Environment
Portfolio of the Executive Member for Transport

Adoption of Enforcement Powers under part 6 of the Traffic Management Act (TMA) 2004

Summary

1. The report updates the Executive on the new enforcement powers for Local Authorities under part 6 of the Traffic Management Act 2004.
2. This will allow Local Authorities in England to apply to the Department for Transport to share powers with the police around moving traffic enforcement. This includes banned turns, access restrictions and yellow box junctions.
3. The report seeks Executive approval for the Council to seek these powers and support an application for extended powers under TMA part 6 with a pilot.

Recommendations

4. The Executive are recommended to:
 - i. Delegate to the Director of Environment, Transport and Planning to write to the Chief Constable seeking support for the Council to take on the responsibilities for enforcement of part 6 of the Traffic Management Act 2004.
 - ii. Approve a public consultation on implementation on Traffic Management on the responsibilities for enforcement of part 6 of the Traffic Management Act 2004 as per Department for Transport guidance.
 - iii. Delegate to the Director of Environment, Transport and Planning authority to apply to the Department for Transport to take on the responsibilities for enforcement of part 6 of the Traffic Management Act 2004.

- iv. Approve the exploration of a pilot scheme and delegate authority to the Executive Member for Transport the decision on implementation;
- v. Delegate authority for the further roll out of extended regulations and enforcement to the Executive Member for Transport.

Reason: To ensure the safety of the Highway network is further strengthened.

Background

5. A paper was presented to the Executive Member for Transport in November 2020 on the Department for Transport (DfT) "Pavement Parking Consultation". The purpose of consultation was for the DfT was to explore the appetite and practicalities of Local Authorities in increasing their Civil Enforcement powers to take on some moving traffic offences that can be shared with the police.
6. Subsequently, the DfT extended the scope of this work to look at wider powers to be shared between Local Authorities and the police. Through the development of the advice from the DfT the pavement parking issue had dropped down their priority list.
7. The DfT released guidance on the process for applying for these additional enforcement powers in the spring 2021 and after consulting the Executive Member for Transport in August 2021 the Council wrote to the DfT expressing interest in applying for the extended powers.
8. The conditions of applying for the powers include gaining a letter of support from the Chief Constable of North Yorkshire Police and by conducting a consultation exercise to get feedback from the public the Local Authorities application of the new powers.

Extended powers under Part 6 of the Traffic Management Act 2004

9. Schedule 8 to the 2004 Act specifies that only local authorities with existing civil parking enforcement powers may be granted moving traffic enforcement powers. The area covered by a moving traffic Designation Order may only be within, or co-extensive with, the

geographic area already designated as a civil enforcement area for parking contraventions.

10. **Annex A** outlines the full the signage requirements for the application of moving traffic offences and gives a useful level of detail in terms of a summary of what is included, which in brief is:
 - Banned Turns
 - Access restrictions
 - Yellow box junctions
11. As part of ensuring that TROs and traffic signs are accurate and lawful, applicant local authorities are encouraged to identify and remove any traffic signs at the enforcement site that are either obsolete or no longer necessary, whether or not relating directly to the restriction being enforced. This will reduce sign clutter, and aid effective enforcement by ensuring drivers are presented with clear information in an uncluttered environment.
12. The paper acts as the decision point, having already expressed an interest in applying to the DfT for extended powers, to confirm this and allow Officers to move forward and start the application process.
13. The application will need support from the local Chief Officer of Police and be supported by a minimum of six weeks public consultation. 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. It is proposed that the consultation be undertaken in York in the summer and, where possible, the council will work with North Yorkshire County Council align to approaches to ensure cross boundary consistency.
14. Following this consultation and confirmation of support from the Chief Constable of North Yorkshire Police, the application will be made to the DfT for the extended powers.
15. If the powers are granted, in order to test the practicalities of taking on these powers, it is proposed that a pilot is conducted with selected powers in a discrete area. It is proposed that enforcing the banned right turn out of Lendal is explored for the implementation of moving vehicle enforcement measures.
 - i) Banned right turn out of Lendal;



16. As part of this pilot, camera technology, lines and signing will be needed as well as resource to support. It is proposed that the subject of the pilot be developed during the public consultation and that then be brought to the Executive Member for Transport in the autumn for consideration, agreement and implementation. This paper will have a fully worked up cost benefit analysis. There is also scope to investigate a pilot at Micklegate Bar.
17. Once the pilot is completed, the detail will be fed into the regulatory section of the development of the Local Transport Plan (LTP4) where it will be articulated what will be rolled out in terms of implementing the new powers and how this will be managed.
18. The initial consultation from the DfT was around pavement parking. This was not included in the DfT legislation around TMA part 6, but is still under consideration and advice is expected on this from the DfT at a future point.
19. Amendments have been made to enforcement tickets to reflect the TMA part 6 legislation.

Council Plan

20. Considering this matter contributes to the Council Plan in the following areas:
 - Getting around sustainably
 - Safe communities and culture for all
 - An open and effective council

Implications

21. Financial

The application to take on additional enforcement powers in itself has no specific financial implications.

There will be costs and revenues arising from undertaking enforcement. As the report states there will need to be a business case take forward once the level of activity is agreed to determine the levels of costs and funding.

22. Human Resources (HR)

There are no HR implications around the decisions in this report.

23. Legal

The legal implications are addressed in the main body of the report.

24. Equalities

Under Section 149 of the Equality Act 2010 a public authority must in the exercise of its functions have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This is known as the Public Sector Equality Duty. A fair and proportionate balance must be found between the needs of people with protected characteristics and the interests of the community as a whole.

An Equalities Impact Assessment will demonstrate how the Council is considering and mitigating, where possible, any disproportionate impacts of the highway changes on people with protected characteristics and meeting its Public Sector Equality Duty, particularly in relation to disabled people.

25. Crime and Disorder

As part of the process a letter of support from the NYCC Chief constable will be required to sign of letter of support.

The body of the report refers to the application to sharing the powers to enforce against TMA 2004 part 6 and if approved the authority would then have the powers to undertake this enforcement. The Executive would then make the decisions on the locations of where these powers are exercised by the Authority.

Any schemes are likely to be enforced using Automatic Number Plate Recognition (ANPR) technology. This technology is already in use in the City for bus lane enforcement.

26. Information Technology (IT)

Automatic Number Plate Recognition (ANPR) technology will run on Council operated networks.

Risk Management

27. No significant risks with the approach proposed have been identified and the principle of a pilot manages risk

Contact Details

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Report
Approved



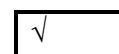
Date 8 April 2022

Specialist Implication Officer

Finance - Patrick Looker
(Service Finance Manager)

Legal – Cathryn Moore
(Legal Manager, Projects)

All



Wards Affected: All wards

For further information please contact the author of the report

Abbreviations:

ANPR – Automatic Number Plate Recognition

TMA – Traffic Management Act 2004

DfT – Department for Transport

TSRGD - Traffic Signs Regulations and General Directions 2016

Annexes:

Annex A: Traffic Signs Subject to Moving Traffic Enforcement

Annex B: Equalities Impact Assessment