

<b>Meeting:</b>	Decision Session Executive Member for Economy and Transport
<b>Meeting date:</b>	12/09/2023
<b>Report of:</b>	James Gilchrist, Director of Transport, Environment and Planning
<b>Portfolio of:</b>	Councillor Kilbane, Executive Member for Economy and Transport

## **Decision Report: Moving Traffic Offence Enforcement Consultation Responses (Part 6 Traffic Management Act)**

### **Subject of Report**

1. The report updates the Executive Member on the consultation for the new enforcement powers for Local Authorities under part 6 of the Traffic Management Act (TMA) 2004 and a pilot of these powers to enforce the one-way Micklegate traffic restriction.
2. The report seeks to update the Executive Member on the results of the consultation and on the basis that the consultation is positive will make the application to the Department for Transport to share powers with North Yorkshire Police (NYP) for Moving Traffic Enforcement powers under part 6 of the Traffic Management Act 2004. The deadline for the next tranche of the applications to the Department for Transport (DfT) is the 25th October 2023.
3. These powers allow the use of Automatic Number Plate Recognition cameras to enforce on traffic restrictions including banned turns, access restrictions and yellow box junctions.
4. As part of the application process the Local Authority is required to identify a scheme as a trial within the Local Authority area. The access restriction on Micklegate Bar has been identified as the scheme to take forward first in York.

## Policy Basis for Decision

5. This report and recommendations reflect the new administrations priorities in terms of engaging and consulting widely with citizens on transport issues.
6. The City of York high-level policies that support the decisions include those from the current Council Plan: Getting around sustainably; Good health and wellbeing; and Safer communities and culture for all.

## Recommendation and Reasons

7. The Executive Member is asked:
  - a. To note the findings of the public consultation:
    - i. The feedback is supportive of the application to share measures with North Yorkshire Police on moving traffic offences under part 6 of the Traffic Management Act 2004;
    - ii. The feedback is supportive of a pilot scheme on Micklegate;
  - b. To note that on the basis of the positive response to the consultation, the Director for Transport, Environment and Planning will apply to the Department for Transport to take on the responsibilities for enforcement of part 6 of the Traffic Management Act 2004 as per the delegation in the April 2022 report.
  - c. To Delegate to the Director of Environment, Transport and Planning for the implementation of the pilot to enforce the one-way Micklegate traffic restriction. This will be funded from existing Transport budgets. This is following the Officer Decision to commence the consultation exercise and change the location from Lendal to Micklegate for the reasons in the officer decision report. See link below  
<https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=6879>

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

## Background

8. 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.
9. 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.
10. 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.
11. 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 and on a nominated scheme to run as a pilot for the powers.
12. Following the Executive Member for Transport Decision report in April 2022 and the subsequent report in July 2023 to agree to the consultation exercise.
13. This report provides feedback on the consultation exercise, along with an updated Equality Impact Assessment based on this report and officer meetings with the York Older People's Assembly and York Access Forum.

## Consultation

14. As part of the application the Department for Transport (DfT) asks the Local Authority to conduct a consultation on the sharing of the powers. This includes taking views on the proposed pilot scheme. An Officer decision (see **Background papers**) was made in July 2023 to commence the consultation with the one way restriction on Micklegate Bar as the proposed pilot.

15. The summary results of the survey are in **Annex A**.
16. In brief, of the 58 respondents the majority who answered the question, 71%, were in favour of the idea of sharing enforcement powers under section 6 of the Traffic Management Act 2004.
17. A majority of respondents who answered the question, 73%, strongly supported or supported the use of ANPR to enforce on the one-way restriction on Micklegate.
18. On this basis there is clearly support for the application to the DfT. However, important to note are the themes around the negatives associated with the application:
  - Concerns around the privacy with the implementation of surveillance technology such as ANPR and surveillance culture;
  - Unsightliness of cameras and signage in the public realm particularly in an historic location like is proposed on the pilot;
  - Concerns around fines and cost of living issues relating to a wider rollout;
  - Concern that this is a money making exercise;
  - Concern that digital technology will result in less enforcement people on the ground;
19. One of the questions asked for suggested future locations and the comments are included in **Annex A**. These will be taken into account if the DfT approve the application in the development of the new Local Transport Strategy.

## **Pilot Scheme**

20. The application for the powers to the DfT is required to be accompanied by a proposed pilot scheme. In the April 2022 paper the banned right turn out of Lendal was proposed as the pilot scheme. The one way restriction on Micklegate Bar was referenced in the paper.
21. Due to the interdependencies with the Hostile Vehicle Measures on Lendal, it was decided to change the proposed pilot to the one way restriction on Micklegate Bar. This was confirmed by Officer Decision (see **Background papers**).

22. The contravention at Micklegate Bar had been reported anecdotally through a number of sources. To support this, traffic surveys were conducted in July to evidence that there is a road safety issue. The results can be found in **Annex B**.
23. The traffic surveys were conducted between the 3 of July 2023 and the 30 July 2023. During the survey period 41 cars and 8 light good vehicles (LGVs) can be assumed to have illegally passed through Micklegate bar.
24. On this basis there is a clear case for intervention at this location.

## **Application**

25. In the April 2022 paper to the Executive Member for Transport, the application for the powers to the DfT was delegated to the Director for Transport, Environment and Planning.
26. There is a window for applications to be made for these powers to the DfT that opens on the 25<sup>th</sup> October 2023 and the Council having completed the steps above intend to make the application in this window. There is no clear timescale given for the review and approval. Officers expect a decision will be communicated in the Spring 2024.
27. The application requires the support from the local Chief Officer of Police. The Director of Environment, Transport and Planning has written to the Chief Constable for North Yorkshire seeking their approval.
28. It is expected that a positive response will be received in time for the application to be made to the DfT in October.
29. As the April report stated officers have also been working with and supporting North Yorkshire Council colleagues in their work to apply for these powers to align approaches and ensure cross boundary consistency.
30. Following this report, a letter from the Chief Operating Officer will be sent to the DfT, showing the criteria has been met and to seek these powers are awarded to the City of York Council.

31. In the event that the application is approved a plan will be developed in terms of undertaking a procurement exercise for the ANPR and supporting system to take forward the enforcement of the Micklegate Bar traffic restriction.
32. 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 across the rest of the city.

## **Organisational Impact and Implications**

### **33. Financial,**

The application to take on additional enforcement powers has no additional cost to the council. It is only when the council introduces initiatives to enforce the Traffic Management Act that there will be costs and revenues.

It is expected that the initial cost of implementing the pilot scheme will be less than £25k, subject to a procurement exercise. The capital costs will be funded from existing Transport capital budgets. Operating costs and revenues from the trial will be funded from within the current ANPR operational budgets.

### **Human Resources (HR)**

Subject to further investigation into the procurement options, it is proposed that existing staffing will cover the implementation of this system and its running but this will be a business led decision that will find the best and most cost effect approach.

### **Legal**

There are no direct legal implications arising from this report.

### **Equalities and Human Rights**

The public consultation has informed the previous Equalities Impact Assessment and in line with the councils duties under Section 149 of the Equality Act 2010 where 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.

The Equalities Impact Assessment demonstrates how the Council has considered and mitigated, 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.

An updated Equalities Impact Assessment is included in **Annex C**.

### **Crime and Disorder**

As part of the process a letter of support from the North Yorkshire Police Chief constable is required and where these powers allow for the sharing of these traffic enforcement powers to better enforce existing and new traffic restrictions across the city to make the city's road safer.

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

### **Information Technology (IT)**

Automatic Number Plate Recognition (ANPR) technology will run on Council operated networks and link into the existing parking back office system.

## **Risk Management**

34. Whilst the risks associated with applying for the TMA 2004 part 6 powers are low. It important that risks around data privacy are addressed and a Privacy Impact Assessment will be completed before implementing any schemes, including the pilot. There will be risks associated with the implementation of the schemes if the powers are approved by the Department for Transport. These risks will be addressed on a scheme by scheme basis.

## **Wards Impacted**

35. All.

## Contact details

For further information please contact the authors of this Decision Report.

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<b>Report approved:</b>	Yes
<b>Date:</b>	21/08/2023

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## Background papers

### Officer Decision (03/07/2023) –

[Decision - To commence a consultation on a pilot scheme to share powers with the police for moving traffic enforcement at the Micklegate Bar restriction. \(york.gov.uk\)](#)

## Annexes

Annex A – Consultation results summary

Annex B – Micklegate Bar traffic count data summary July 2023

Annex C – Equalities Impact Assessment



## **Abbreviations**

NYP – North Yorkshire Police

NPC – North Yorkshire Council

DfT – Department for Transport

TMA – Traffic Management Act

ANPR – Automatic Number Plate Recognition