

**Manchester City Council
Report for Information**

Report to: Economy Scrutiny Committee – 21 July 2022

Subject: Moving Traffic Offences and Enforcement

Report of: Director of Highways

Summary

The enforcement of moving traffic offences will reduce road congestion, improve journey times for public transport and emergency service vehicles and improve air quality, through a reduction in transport related emissions contributing to carbon net zero targets. Enforcement will begin at 5 sites that have been selected following an assessment of 15 sites identified by GMP, TfGM and the MCC Neighbourhood teams. Further enforcement locations can subsequently be introduced should there be issues with drivers committing offences. Consideration is being given to the practicality of enforcing parking offences around schools as a likely future development.

Recommendations

That the Economy Scrutiny Committee is recommended to consider and comment on the proposal to begin to enforce moving traffic offences to support public transport and reduce road congestion.

Wards Affected: All

Environmental Impact Assessment - the impact of the issues addressed in this report on achieving the zero-carbon target for the city

The proposal seeks to support public transport and reduce congestion which will potentially have a positive impact on air quality at the enforcement locations
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Equality, Diversity and Inclusion - the impact of the issues addressed in this report in meeting our Public Sector Equality Duty and broader equality commitments
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An assessment has been undertaken for the proposal in general. In summary no negative impacts were identified as a result of this proposal. Positive impacts were identified in terms of reducing congestion, promoting active and public transport travel, improving air quality and supporting local transport policies.
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It is important to note that sites for Part 6 enforcement will be selected and enforced against the existing Traffic Regulation Orders and maintain the existing exemptions (where they apply) for those with a right of access/exemption. It is only the style of enforcement is changing, not the restriction itself. Therefore, there are not considered to be any new implications as a result of this decision.
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Manchester Strategy outcomes	Summary of how this report aligns to the OMS/Contribution to the Strategy
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	Supporting public transport in the city centre helps economic opportunities
A highly skilled city: world class and home grown talent sustaining the city's economic success	The economic success of the city is supported by having an efficient public transport system
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	Having a more reliable public transport system helps accessibility for all communities
A liveable and low carbon city: a destination of choice to live, visit, work	Reducing congestion potentially improves air quality
A connected city: world class infrastructure and connectivity to drive growth	Having an improved public transport service is part of having world class infrastructure

Equal Opportunities Policy Consequences

None

Risk Management Consequences

See the risk section in the report

Financial Consequences – Revenue & Capital

Funding the work required for to establish the proposals and review sites etc and associated delivery commitments has come from the Parking reserve (to a maximum of £100k).

Full financial implications will only be known once the Council has undertaken the procurement exercise for the contracts necessary to provide the CCTV cameras to implement this proposal. However, because decriminalising moving traffic offences is irreversible indicative costs have been provided. The cost of set up for five sites is estimated to be around £190k including camera's and lines/signs with operational costs of around £146k annually.

Set up costs are being funded from the Parking reserves with operational costs likely to be offset by income from penalty charge notices. In the unlikely event that operating costs exceed income then the operational costs would be offset from the Parking reserve.

Legal Implications

The following Regulations came into effect on 31 May 2022;

- The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022
- The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022

These provide a single framework for the civil enforcement by local authorities of parking and waiting restrictions, bus lane restrictions and some moving traffic offences.

Under Part 8 of the Traffic Management Act 2004 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.

If a decision is made to implement these proposals it should not give rise to any legal implications as the Council only seeks approval for designation of the moving traffic enforcement powers within the existing civil enforcement area.

The surplus income from any penalty charge payments received from bus lane or any moving traffic enforcement must only be used in accordance with regulation 31 of The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.

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Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

None

1.0 Introduction

- 1.1 This report has been written as a result of changes in legislation that allows local authorities to enforce moving traffic offences. Such offences as blocking yellow boxes cause considerable delays to public transport and create congestion. Dealing with inconsiderate driving will support public transport (especially Metrolink) and potentially improve air quality. This report outlines the proposals to introduce enforcement in Manchester.

2.0 Background

- 2.1 The Government has committed to make the moving traffic enforcement powers, under Part 6 of the Traffic Management Act (TMA) 2004, available to local authorities outside London. The regulations giving effect to these powers were laid in Parliament on 27th January and came into effect on 31 May 2022. In making these powers available, the legislative opportunity has also been taken to consolidate, under the 2004 Act, the existing civil enforcement regimes for bus lane contraventions (outside London currently under 2005 regulations made under the Transport Act 2000) together with parking contraventions (England-wide currently under 2007 regulations made under the 2004 Act).
- 2.2 These powers enable the Manchester City Council as the highway authority to enforce certain moving vehicle offences such as no entry, yellow boxes, banned turns, traffic restrictions and environmental weight limits. Full details of what these specific restrictions are can be found at Appendix 1.
- 2.3 A Designation Order issued by the Secretary of State for Transport will apply within the existing civil enforcement area and will allow for the enforcement of moving traffic offences by the Council. Its purpose is to enable authorities to manage specific problem areas through Automatic Number Plate Recognition camera enforcement (similar to the bus lanes) with the fines being retained by the authority to cover the maintenance and management and enforcement costs.

3.0 Benefits of Enforcement

- 3.1 The list of benefits of enforcement of moving traffic offences include:
- Improved road safety including pedestrian and cyclist safety, supporting modal shift to sustainable transport options
 - Reduced highway congestion
 - Improved journey times for public transport and emergency service vehicles
 - Improved air quality, reduction in transport related emissions contributing to carbon net zero targets
 - Reallocation and saving of police time

4.0 Changes in Enforcement Powers

- 4.1 The Traffic Management Act Part 6 now permits local authorities to take on civil enforcement of certain moving traffic and parking contraventions by decriminalising the offences. This in effect allows the transfer of enforcement responsibility from the Police to the Council for certain offences. It includes enforcement of yellow box junctions, and restrictions on direction of travel and turning movements. They do not include speeding offences, red light violations and cycling on the pavement which remain a matter for the Police.
- 4.2 Enforcement by CCTV cameras has proven to improve levels of compliance with road traffic regulations, reducing congestion and improving road safety.

5.0 Initial Implementation Programme

- 5.1 The current outline programme is:-
- Key Decision published – 1 July 2022
 - Economy Scrutiny 21 July 2022
 - Consider scrutiny committee comments - 22 July to 29 July 2022
 - Executive Report – 14 September 2022
 - Consultation – minimum 6 week period at a time – September/October/November
 - Apply for powers to DfT – September 2022
 - Consideration of any objections – 2 weeks - November
 - Gain DfT approval – December 2022
 - Implementation of 5 sites – January 2023 (warning letters initially)
 - Review and consult with Exec member about any extension of enforcement – Summer 2023

6.0 Initial Trial Site Selection

- 6.1 An initial list of 15 possible enforcement sites was identified based on suggested problem areas suggested by TfGM, the Neighbourhoods team and GMP. To ensure that the sites prioritised for enforcement are focused on the above benefits a shortlisting criterion was developed that weighed scores at each site based on a series of questions focusing on:-
- key routes – priority weighting is given to locations on the Key Route Network
 - traffic flows – the greater the traffic flows the greater the weighting given
 - accident data – priority was given to sites having the worst accident record to support road safety benefits
 - public transport routes – locations on a public transport route were prioritised
 - bee network routes – these locations were priorities for cyclist safety reasons
 - proximity to schools – these locations were weighted more to support road safety of children

6.2 An assessment of the potential trial sites was undertaken using the priority scoring process and the sites below had the greatest weighted scores:

- (1) Stockport Road – Box junction/no right turn
- (2) Cheetham Hill Road / Elizabeth Street. (Near Manchester Fort, near the Lidl) – no right turn
- (3) Ashton Old Road – Chancellor Lane – Fairfield Street (Pin Mill Brow) – yellow box
- (4) Princess Parkway – Palatine Road – Yellow box
- (5) Great Ancoats Street – Oldham Road – Oldham Street – Yellow box

6.3 As part of the process surveys have been carried out and the site conditions and any TROs have been checked for compliance.

6.4 Engagement with ward Members covering the trial sites and with any other members have a particular interest in this matter will be carried out as part of the programme. There will also be engagement with other stakeholders as well as further discussions with GMP. Following on from this the designation order application will be submitted, and implementation of camera infrastructure and back office processes will begin.

7.0 Consultation

7.1 Before applying for a Designation Order to grant to Manchester City Council powers under part 6 of the Traffic Management Act to undertake the enforcement of Highway Moving Traffic Offences the Council must confirm to the Secretary of State that it has:

- a) Consulted the appropriate Chief Officer of Police;
- b) Carried out a minimum six-week public consultation on the detail of planned civil enforcement of moving traffic contraventions (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. Local authorities should consider the full range of media available to them when communicating with the public. They should consider telling every household in the CEA when they propose changes - for example, to the operation of a scheme.
- c) Considered all objections raised and has taken such steps the Council considers reasonable to resolve any disputes;
- d) 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;
- e) Ensured all moving traffic restrictions to be enforced will be underpinned by accurate TROs, where applicable, and indicated by lawful traffic signs and road markings. Local authorities are not required to audit all their

- TROs and traffic signs; but instead those that are directly related to the moving traffic restrictions to be enforced;
- f) Ensured all the relevant equipment has been certified by the Vehicle Certification Agency (VCA) specifically for moving traffic contraventions.

- 7.2 The Director of Highways (under his delegated powers) will also be required to carry out all of the steps set out in a-f above in respect of any proposed new locations for enforcement in the future. However, it will not be necessary to seek further approval from the Secretary of State for additional enforcement locations in cases where the whole area has already been so designated.
- 7.3 A citywide consultation will be required to be undertaken on the 5 sites identified for enforcement. This will also be a wider consultation on the proposal of Manchester City Council undertaking moving traffic enforcement.

8.0 Operational Enforcement Plans

- 8.1 The Department for Transport (DfT) have confirmed that, Local Authorities taking up the new powers, must issue warning notices at each site over an initial six month period. This applies to first offences only therefore any motorist contravening at the same site more than once within the warning notice period will receive a PCN
- 8.2 Enforcement will be carried through ANPR cameras and the processing of contraventions will be done by the parking service in the same way that bus lane enforcement is managed.
- 8.3 Members are asked to note that following the initial stages where 5 sites will be enforced following a city wide consultation period any further sites can be added without a further city wide consultation process. It is likely that further sites will be added where there are issues caused by poor driver behaviour.

9.0 Future Proposal – Enforcement of Parking on School Keep Clear Markings

- 9.1 When they are properly observed by drivers, School Keep Clear markings (SKCs) and other restrictions to manage parking, provide drivers and children clear visibility of the street outside their school and therefore help children to cross the road when it is safe to do so. However, SKCs outside or around schools are routinely ignored by some motorists who are setting down or collecting pupils
- 9.2 This proposal will support a motion put to Full Council early in 2022 by Cllr Russell regarding supporting road safety around schools.
- 9.3 Camera enforcement can help prevent conflict and abuse of school staff, responsible parents and CEO's by inconsiderate motorists. It can also free up CEO resources, which can be redeployed to other sites. The instant, irrefutable evidence that a breach has taken place also saves substantial officer costs of investigating complaints against CEO enforced PCNs.

- 9.4 The Council trialled camera at a school around 2 years ago and it proved to be partly successful but the team were unable to issue any PCN's as drivers were aware that the camera was focused on the zigzags and so changed their behaviour and did not park there.
- 9.5 Once the technology and back office processes have been tested and proven to be successful work and subject to Exec member approval a process to introduce trials could begin (probably in spring 2023) of this type of enforcement after some sample sites have been identified through a prioritisation methodology.

10.0 Risks

- 10.1 There is a risk that some may view this enforcement as a tax on motorists but the powers to enforce are merely transferring from the police to the Council. These offences cause congestion and impact on public transport and the locations where enforcement will be carried out are the ones where it is known that adverse behaviour occurs. There will also be an introductory period where warning notices will be provided to motorists so they have an opportunity to change their behaviour.
- 10.2 It is possible that the costs of enforcement is greater than the income from PCN's but an analysis of other locations indicates that the risk is low.

11.0 Recommendations

- 11.1 The recommendations are at the top of this report