

**Manchester City Council
Report for Resolution**

Report to: Executive – 14 September 2022

Subject: Moving Traffic Offences Enforcement Overview Report

Report of: Strategic Director Neighbourhoods
Head of Network Management - Highways

Summary

The lack of enforcement of moving traffic offences can lead to increases in road congestion, increases in road traffic accidents, increases in journey times for public transport and emergency service vehicles and reductions in air quality, through an increase in transport related emissions.

It is proposed that civil enforcement will begin at 7 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 Executive:

1. Agree that the Director of Highways undertake all steps outlined in the report at 7.1 (a) to (f) in advance of the Council applying to the Secretary of State for powers under part 6 of the Traffic Management Act to undertake the enforcement of Highway Moving Traffic Offences and the designation of locations where enforcement will be undertaken;
2. Agree the seven locations identified in paragraph 6.2 for implementing civil enforcement of certain moving traffic and parking contraventions, including the enforcement of yellow box junctions, and restrictions on direction of travel and turning movements;
3. Agree that the Director of Highways undertake a minimum six-week public consultation on the detail of planned civil enforcement of moving traffic contraventions, including the types of restrictions to be enforced and the location(s) in question across the seven identified sites;
4. Agree that the Director of Highways then submit the necessary application for a Designation Order to the Secretary of State for Transport;
5. Note that the Director of Highways, under delegated powers, will also be required to undertake all of the steps set out in paragraph 7.1 (a) –(f) of the

report in respect of any new enforcement locations in the future without the need to seek further approval from the Secretary of State.

Wards Affected: Potentially all wards as this report seeks comments on the designation of the moving traffic enforcement powers within the existing civil enforcement area.

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

Equality, Diversity and Inclusion - the impact of the issues addressed in this report in meeting our Public Sector Equality Duty and broader equality commitments

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.

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.

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	Significantly support 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

Initial funding of £100k was approved to fund feasibility in order to establish the proposals and review sites, this has been funded from the Parking Reserve. Currently £35k of the approved budget has been spent, the remaining £65k will be used to fund the required TRO revisions and signing and lining.

Once operational, there will be additional revenue costs and this will include staffing costs, camera maintenance and other running costs associated with the issuance of penalty charge notices, the costs are dependent on volumes of offences. Initial analysis of other enforcement schemes indicates that sufficient income is generated that will cover all operational costs. In the event of any surplus being made, this is required to be ring fenced as per the Traffic Management Act and this can be used for

- making good the general fund of any enforcement related deficit in previous 4 years
- highways improvement projects
- public passenger transport services

For indicative purposes only, Bus Lane enforcement operational costs are c£1.1m with penalty charge notice volumes at 175,000.

Financial Consequences – Capital

Following on from the initial feasibility work and identification of the 7 sites detailed in 6.2, this will require c15 cameras. Indications are that this will cost c£0.525m, although will only be confirmed once the Council has undertaken the procurement exercise for the contracts necessary to provide the CCTV cameras. Once costs are confirmed, this will be subject to the usual Council Capital approval processes. Any future replacement cameras will be funded from revenue generated from Moving Traffic Offences.

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 The proposals in this report have been brought forward 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 creates 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 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, management and enforcement costs.

3.0 Benefits of Enforcement

- 3.1 The list of benefits of enforcement of moving traffic offences include:
- Improved 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 - complete
 - Economy Scrutiny 21 July 2022 - complete
 - Consider scrutiny committee comments - 22 July to 29 July 2022 - complete
 - Executive Report – 14 September 2022
 - Consultation – minimum 6-week period at a time – September/October
 - Consideration of any objections – 2 weeks - November
 - Apply for powers to DfT – November 2022
 - Gain DfT approval – May 2023
 - Implementation of 7 trial sites – May 2023 (warning letters issues to first time offenders initially) *
 - Review and consult with Exec member about any extension of enforcement – Autumn 2023

*The DfT have recently announced some changes to the timescales for Local authorities to apply for Enforcement of Moving Traffic Offence powers. The latest date to make the application has been brought forward to the 11th November 2022, with the DfT then expecting to lay the powers before Parliament in May 2023.

6.0 Initial Site Selection

- 6.1 An initial list of 15 enforcement sites was identified based on suggested problem areas provided by TfGM, the Neighbourhoods team and GMP. To ensure that the sites prioritised for enforcement are focused on the above benefits a shortlisting criterion has been developed. This weighed scores at each site based on a series of questions focusing on key routes, traffic flows, accident data, public transport routes, bee network routes, proximity to schools, and existing levels of compliance.
- 6.2 An assessment has been undertaken to determine the initial enforcement sites and using the priority scoring process it is suggested that the following 7 sites for implementing civil enforcement of certain moving traffic and parking

contraventions. This includes the enforcement of yellow box junctions, and restrictions on direction of travel and turning movements as provided for in Part 6 of the Traffic Management Act:

1. Stockport Road – Box junction/no right turn
2. Cheetham Hill Road / Elizabeth Street. (Near Manchester Fort, near the Lidl)
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. Kirkmanshulme Lane / Mount Road – Compulsory Left Turn & Yellow box
7. Wilmslow Road / M56 jct 6 – Ahead Only

6.3 As part of the process, surveys have been carried out and the site conditions and any TROs have been checked for compliance. Alongside this process the consultation stage will commence and engagement with elected Members and all other stakeholders and further engagement with GMP will begin. 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 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 7 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 out 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 7 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.

8.4 Given the challenges in determining the number of offences that will be committed once enforcement begins, and what any 'drop off' rate in offences may be, it will be very challenging to accurately determine the 'back-office' resources required to manage this new area of work. As such it is proposed that we will undertake a staged approach to implantation, starting with a couple of locations and gradually increasing resources as more accurate data becomes available.

9.0 Economy Scrutiny Committee Comments

9.1 The MTO proposal was discussed at the Economy Scrutiny Committee on 21 July 2022. The committee members were very supportive of the proposals and asked for the trial period to be as short as possible and for the initial trial sites to be increased from 5 to 7. The highways service has accepted the recommendations which are included in this report.

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

- 10.1 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
- 10.2 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.
- 10.3 The Council trialled cameras at a school around 2 years ago and it proved to be partly successful, however 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.
- 10.4 Once the technology and back-office processes have been tested and proven to be successful, and subject to Exec member approval, trials could begin (probably in spring 2023) of this type of enforcement after some sample sites have been identified through a prioritisation methodology.

11.0 Risks

- 11.1 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 are completely avoidable and cause congestion and impact on public transport and the locations where enforcement will be carried out are the ones where it 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.
- 11.2 It is possible that the costs of enforcement are greater than the income from PCN's but an analysis of other locations indicates that the risk is low.

12.0 Recommendations

- 12.1 The recommendations are at the top of this report.