

Traffic Management Act Part 6 – Application to the Department of Transport

To: Highways and Transport Committee

Meeting Date: 4th October 2022

From: Steve Cox - Executive Director, Place and Sustainability

Electoral division(s): Cambridge City

Key decision: Yes

Forward Plan ref: 2022/099

Outcome: To consider authorising Cambridgeshire County Council to apply to the Department of Transport to be included in the list of Authorities that can enforce key highway restrictions or prohibitions under Part 6 of the Traffic Management Act 2004.

Recommendation:

- a) Authorise Cambridgeshire County Council (CCC) to make an application to the Department of Transport for powers under the Traffic Management Act Part 6 to improve safety and tackle congestion by enforcing moving traffic offences.
- b) Delegate the authority to the Director of Highways and Transport, in consultation with the Chair and Vice Chair of the Highways and Transport Committee, to determine any objections to the public consultation and apply to the Department of Transport for powers under the Traffic Management Act Part 6.

Officer contact:

Name: Sonia Hansen

Post: Traffic Manager

Email: Sonia.hansen@cambridgeshire.gov.uk

Tel: 07557 812777

Member contacts:

Names: Cllr Alex Beckett / Cllr Neil Shailer

Post: Chair/Vice-Chair

Email: Alex.Beckett@cambridgeshire.gov.uk

Neil.Shailer@cambridgeshire.gov.uk

Tel: 01223 706398

1. Background

- 1.1 The Traffic Management Act 2004 introduced civil enforcement of traffic offences in England and Wales. The Department for Transport (DfT) announced in 2020 that they would be fully enacting the remaining elements of the Traffic Management Act, Part 6 (which was previously only enforceable by the Police under criminal law) permitting Local Highway Authorities outside of London to use approved camera devices to enforce moving traffic contraventions, such as:

- driving through a 'No Entry' sign
- turning left or right when instructed not to do so i.e., banned turns
- entering yellow box junctions when the exit is not clear
- driving where and when motor vehicles are prohibited

The legislation was approved by Parliament in March 2022.

2. Main Issues

- 2.1 Cambridgeshire County Council is planning to use new powers to improve safety and tackle congestion by enforcing moving traffic offences. The first step is to apply to the Department for Transport to be included in the list of authorities that can enforce key highway restrictions or prohibitions.

- 2.2 This will provide a number of environmental and safety benefits, including:

- Improved pedestrian and cyclist safety, supporting modal shift to sustainable transport options
- Reduced network 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
- Increased safety and cleaner air around schools – camera enforced school streets schemes are proven to have positive effect
- Reallocation and saving of Police time

- 2.3 In line with Department for Transport guidance, Automatic Number Plate Recognition (ANPR) cameras can only be used to enforce against moving traffic offences at sites where all other methods of deterrent have been tried, but further measures are still required. Civil enforcement of moving traffic offences can only be enacted in areas which already have civil enforcement powers. In Cambridgeshire this is currently only in Cambridge city where the County Council have civil parking enforcement powers.

- 2.4 There must be a robust decision-making process in place to ensure that each site is chosen on the merits of how it will improve the area if traffic contraventions are enforced. The Traffic Management team is developing a process for site assessment and implementation which covers assessing contraventions levels to determine if it is a concern and if there are potential risks to vulnerable road users, and assessing road safety accident data.

- 2.5 The current Information Technology contract for Civil Parking Enforcement facilitates the full process of issuing a Penalty Charge Notice to vehicles.
- 2.6 The next deadline at the DfT for applications for Moving Traffic Enforcement powers is 11th November 2022 with an estimate of April / May for the issue of the designation orders. The Council must have carried out a minimum of six-weeks public consultation on the principle and initial detail of planned civil enforcement of moving traffic contraventions, including the type(s) of restriction to be enforced and the initial location(s) in question.
- 2.7 Following discussions with Greater Cambridge Partnership and the Police and an assessment of contraventions and road safety data an initial site for implementation of the moving traffic enforcement powers was agreed as the banned left turn from Downing Street into St Andrews Street. This is a busy area with several daily contraventions which can impact on safety of vulnerable users and bus movements.
- 2.8 The six-week public consultation started on 21st September and closes on 2nd November and the results will be considered by the Director of Highways and Transport in consultation with the Chair and Vice Chair of Highways and Transport Committee. A final decision to submit the application will be taken by the Director.

3. Alignment with corporate priorities

3.1 Environment and Sustainability

The following bullet points set out details of implications identified by officers:

- Management of parking is essential in order to reduce congestion and keep the County moving which contribute towards a growing economy

3.2 Health and Care

The following bullet points set out details of implications identified by officers:

- Address persistent, dangerous, obstructive parking
- Improved access for all who use the highway (including pavements)
- Reduce congestion and improve air pollution

3.3 Places and Communities

The following bullet points set out details of implications identified by officers:

- Management of parking is essential in order to reduce congestion and keep the County moving is critical in providing a safe environment for all pedestrians and other highway users.

3.4 Children and Young People

The following bullet points set out details of implications identified by officers:

- This will assist in providing a safer environment.

3.5 Transport

The following bullet points set out details of implications identified by officers:

- Address persistent, dangerous, obstructive parking to ensure the free flow of traffic
- Improved access for all who use the highway (including pavements)
- Reduce congestion and improve air pollution

4. Significant Implications

4.1 Resource Implications

The following bullet points set out details of implications identified by officers:

- All works to be completed by Council Parking officers

4.2 Procurement/Contractual/Council Contract Procedure Rules Implications

There are no significant implications within this category.

4.3 Statutory, Legal and Risk Implications

There are no significant implications within this category.

4.4 Equality and Diversity Implications

There are no significant implications within this category.

4.5 Engagement and Communications Implications

There are no significant implications within this category.

4.6 Localism and Local Member Involvement

There are no significant implications within this category.

4.7 Public Health Implications

The following bullet points set out details of implications identified by officers:

- The proposed system will help and support the effective management and impact on reducing congestion and improving air quality.

4.8 Environment and Climate Change Implications on Priority Areas

There are no significant implications within this category.

4.8.1 Implication 1: Energy efficient, low carbon buildings.

Positive/**neutral**/negative Status:

Explanation:

4.8.2 Implication 2: Low carbon transport.

Positive/**neutral**/negative Status:

Explanation:

4.8.3 Implication 3: Green spaces, peatland, afforestation, habitats and land management.

Positive/**neutral**/negative Status:

Explanation:

4.8.4 Implication 4: Waste Management and Tackling Plastic Pollution.

Positive/**neutral**/negative Status:

Explanation:

4.8.5 Implication 5: Water use, availability and management:

Positive/**neutral**/negative Status:

Explanation:

4.8.6 Implication 6: Air Pollution.

Positive/neutral/negative Status:

Explanation: Civil Parking Enforcement local authorities effectively manage and enforce on and off-street parking areas to prevent inconsiderate and obstructive parking which help to keep traffic moving and reduces vehicle emissions.

4.8.7 Implication 7: Resilience of our services and infrastructure, and supporting vulnerable people to cope with climate change.

Positive/**neutral**/negative Status:

Explanation:

Have the resource implications been cleared by Finance? Yes

Name of Financial Officer: Sarah Heywood

Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the Head of Procurement? Yes

Name of Officer: Clare Ellis

Has the impact on statutory, legal and risk implications been cleared by the Council's Monitoring Officer or LGSS Law? Yes

Name of Legal Officer: Fiona McMillan

Have the equality and diversity implications been cleared by your EqIA Super User?

Yes

Name Of Officer: Elsa Evans

Have any engagement and communication implications been cleared by Communications?

Yes

Name of Officer: Sarah Silk

Have any localism and Local Member involvement issues been cleared by your Service Contact? Yes

Name of Officer: David Allatt

Have any Public Health implications been cleared by Public Health?
Yes

Name of Officer: Iain Green

If a Key decision, have any Environment and Climate Change implications been cleared by the Climate Change Officer?

Yes

Name of Officer: Emily Bolton

5. Source documents guidance

5.1 Source documents

- Traffic Management Act Part 6

5.2 Location

[Traffic Management Act 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk)