

Meeting of the Cabinet - 28th June 2023

Report of the Acting Service Director - Neighbourhood Delivery

Moving Traffic Regulation Order (TRO) Enforcement

Purpose of Report

1. To seek approval to apply for Civil Enforcement Powers from the Department for Transport (DfT) for Moving Traffic Contraventions (MTC) under the Traffic Management Act 2004.
2. Should the application be successful the powers would allow the Dudley Metropolitan Council to implement camera enforcement targeting selected individual problem locations with various moving traffic restrictions, which include:
 - Banned turning manoeuvres,
 - Prohibition of motor vehicles,
 - One-way traffic, and
 - Yellow box junctions.
3. A full list of the applicable restrictions can be found in Appendix A. Adopting these powers will help improve road safety, improve driver behaviour and compliance, reduce congestion, and improve air quality. In addition, taking on these powers has the potential to play a key role in supporting future transport strategies, encouraging active travel and reducing carbon emissions.

Recommendations

4. The Cabinet is recommended:

- To agree to consult the Chief Constable of Police for the West Midlands, undertake the required 6-week minimum consultation exercise, and agree to apply the Council's scheme of delegation to the Director of Environment in consultation with the Cabinet Member for Highways and Environmental Services.
- To approve, subject to the outcome of the consultation referred to above, making an application to the Department for Transport for the adoption of Moving Traffic Contravention powers, in accordance with Part 6 of the Traffic Management Act 2004.
- To agree, for the purpose of developing the business case, to set the Moving Traffic Contravention Penalty Charge Notice (PCN) value at the higher level of £70 (reducing to £35 if paid within 21 days) in line with existing Civil Enforcement activities undertaken by the Council.
- To agree to receive a further report in early 2024, following the outcome of the application process, to consider the associated business case and operating policy and protocols for the Moving Traffic Contravention enforcement service.

Background

5. Local authorities outside of London have previously been unable to enforce moving traffic contraventions (as listed in Appendix A). The Department for Transport (DfT) have enabled local authorities to apply to the Secretary of State for a Designation Order to obtain civil enforcement powers for moving traffic contraventions under Part 6 of the Traffic Management Act 2004 (TMA 2004). Examples of these types of contravention include banned turning manoeuvres, one-way streets, prohibition of motor vehicles and stopping in yellow box junctions.
6. Securing the powers to enforce moving traffic contraventions would enable future decisions to implement measures at selected individual locations that would directly support the priorities and objectives of our Council Plan 2022-2025 and our Borough Vision aspirations, ensuring that our communities are 'safe and healthy', helping people live happier more active lives in neighbourhoods that are 'better connected', and help align with our climate commitments.

Finance

7. Applying for the powers has no financial implications. The future business case will identify the costs associated with the sites selected and the costs of enforcements.
8. The fundamental principle being that any future service must be cost neutral to the Authority and local taxpayer. Indicative figures are outlined below.
9. Capital costs will depend on the final scale and scope of the service, to be agreed. Typically, traffic enforcement cameras can cost between £15,000 and £25,000 per camera to install and commission.
10. Annual revenue costs for the system will also depend on the number of cameras along with back-office system requirements and staffing implications. The running costs could be in the region of £150,000 per year, thereby requiring over 5,000 Penalty Charge Notices to be served before the system covers its costs. A complete cost versus income financial assessment will be developed over the coming months and will need to be agreed before the implementation of any enforcement regime.
11. The DfT has determined two bands for the level of penalty charge payable for MTC, as is the case with parking contraventions. It is recommended that PCNs are set at the higher penalty charge level of £70, with a reduction to £35 if paid within 21 days. This ensures consistency with PCNs for higher-level parking contraventions. If approved this value will be used in the business case analysis.
12. Legislation requires that warning notices be issued for the first 6 months of a contravention becoming enforceable for all first-time contraventions at each individual site. In the initial 6 months of enforcement, PCNs can only be issued to repeat offenders. These constraints will create a pressure on the service from the outset which will also need to be considered in the business case.
13. Any surplus revenue that is generated through the enforcement of Moving Traffic contraventions, must by law, be allocated toward Transport or Environmental improvement schemes, in the same way as any parking enforcement surplus.

Law

14. Obtaining MTC powers requires a legal process to be followed. Until this process has been completed and a decision to implement individual enforcement sites has been taken there are no legal implications for the Council.

Risk Management

15. A risk register will support the development of this project. Moving forward in the process key risks are likely to include:
 - Securing stakeholder support for moving traffic enforcement proposals
 - Physical implications (including safety and visibility issues) of installing camera enforcement equipment in identified locations
 - Operational costs, particularly during first 6 months of enforcement at each location where warning notices must be issued for first time offenders.
16. All the constituent local authorities of the West Midlands Combined Authority (WMCA) have already agreed, in principle, to apply for these powers. It should be noted that adoption of the powers does not mean the Council has to use them. Birmingham, Coventry, and Walsall have applied in Tranche 2, and Dudley, Sandwell and Solihull all intend to apply in Tranche 3. If Dudley Metropolitan Council does not apply it may be the only constituent member of the WMCA not to apply which may result in reputational risk and inconsistency of enforcement powers across the Region.
17. There is also risk that in not applying the Council would not be reasonably fulfilling its duty under Section 122 of the Road Traffic Regulation Act 1984 as the Highway Authority 'to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians)'.

Equality Impact

18. Equalities assessments will be undertaken where appropriate and in accordance with Dudley MBC's Policies and agreed protocols. Full and detailed consultation will be undertaken as is required by the DfT and in the event that objections are received, these will be taken into consideration.

Human Resources/Organisational Development

19. The proposals in this report do not have any direct Human Resources/Organisational Development implications.
20. Resource implication will be considered in any future business case.

Commercial Procurement

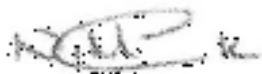
21. Any procurement activity will be carried out in accordance with the Council's Contract Standing Orders, and the relevant officers will take the procurements through the Procurement Management Group to monitor compliance.

Environment/Climate Change

22. Should we take on powers to enforce moving traffic contraventions it will help to support our climate commitment to improving air quality, through improved driver compliance, more reliable journey times for public transport, reduced congestion and improved network flow.

Council Priorities and Projects

23. Council Priorities will be taken into account in any future business case developed as a result of this decision.














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Appendices

Appendix A - List of all moving traffic contraventions enforceable under Part 6 of the Traffic Management Act 2004

Description	TSRGD diagram number & location	Sign
Vehicular traffic must proceed in the direction indicated by the arrow	606 (Schedule 3, Part 2, item 1 and Schedule 14, Part 2, item 42)	
Vehicular traffic must turn ahead in the direction indicated by the arrow	609 (Schedule 3, Part 2, item 2)	
Vehicular traffic must keep to the left/right of the sign indicated by the arrow	610 (Schedule 3, Part 2, item 3)	
No right turn for vehicular traffic	612 (Schedule 3, Part 2, item 7 and Schedule 14, Part 2, item 43)	
No left turn for vehicular traffic	613 (Schedule 3, Part 2, item 8 and Schedule 14, Part 2, item 43)	
No U-turns for vehicular traffic	614 (Schedule 3, Part 2, item 6 and Schedule 14, Part 2, item 43)	
Priority must be given to vehicles from the opposite direction	615 (Schedule 3, Part 2, item 9)	
No entry for vehicular traffic (when the restriction or prohibition is one that may be indicated by another traffic sign subject to civil enforcement)	616 (Schedule 3, Part 2, item 10 and Schedule 14, Part 2, item 44)	
All vehicles prohibited except non-mechanically propelled vehicles being pushed by pedestrians	617 (Schedule 3, Part 2, item 11)	

Description	TSRGD diagram number & location	Sign
Entry to and waiting in a pedestrian zone restricted	618.3B (Schedule 8, Part 2, item 1)	
Entry to and waiting in a pedestrian and cycle zone restricted	618.3C (Schedule 8, Part 2, item 2)	
Motor vehicles prohibited	619 (Schedule 3, Part 2, item 12)	
Motor vehicles except solo motorcycles prohibited	619.1 (Schedule 3, Part 2, item 18)	
Solo motorcycles prohibited	619.2 (Schedule 3, Part 2, item 20)	
Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle symbol prohibited	622.1A (Schedule 3, Part 2, item 13)	
One-way traffic	652 (Schedule 9, Part 4, item 5)	
Buses prohibited	952 (Schedule 3, Part 2, item 17)	

Description	TSRGD diagram number & location	Sign
Route for use by buses, pedal cycles and taxis only	953 (Schedule 3, Part 2, item 33)	
Route for use by tramcars only	953.1 (Schedule 3, Part 2, item 36)	
Route for use by pedal cycles only	955 (Schedule 3, Part 2, item 28)	
Route for use by pedal cycles and by pedestrians only	956 (Schedule 3, Part 2, item 29)	
Route comprising two ways, for use by pedal cycles only and by pedestrians only	957 (Schedule 3, Part 2, item 32)	
With-flow cycle lane	959.1 (Schedule 9, Part 4, item 9)	
Contra-flow cycle lane	960.1 (Schedule 9, Part 4, item 6)	
Part of the carriageway outside an entrance where vehicles must not stop when the marking is placed in conjunction with the prescribed upright sign which includes the symbol at Schedule 4, Part 3, item 10	1027.1 (Schedule 7, Part 4, item 10)	
Box junction markings	1043 (Schedule 9, Part 6, item 25)	