
Meeting of the Cabinet - 20th March 2024

Report of the Director of Environment

Camera Enforcement

Purpose of report

1. To give an update on the existing Average Speed Enforcement Scheme.

To outline the proposed changes to the partnership agreement with West Midlands Police.

To highlight the financial risks relating to the operation of the scheme and for any future costs to be reported to the Spend Control Group.

To outline the interim arrangements for 2024/25.

To seek delegated authority to the Director of Environment for approval to enter into a regional Joint Working Agreement or camera enforcement.

Recommendations

2.
 - To acknowledge the positive impact that the existing Average Speed Enforcement Scheme has had on road safety and speed compliance in Dudley.
 - To support the interim arrangements (Appendix B) and negotiations towards agreeing a West Midlands Joint Working Agreement for speed enforcement between West Midlands Police and the 7 local authorities.

- To accept that although the scheme is intended to be self-funding, there is a financial risk to all partners who enter into the joint working agreement. Any potential revenue costs will be capped and unexpected costs will be reported to Dudley's Spending Control Group.
- To authorise delegated authority to the Director of Environment for the decision on whether to enter into a new West Midlands regional joint working agreement for camera enforcement.

Background

3. Speed enforcement is a police power. Whilst Dudley Council has no direct control over speed enforcement itself, both the police and local authorities have a statutory duty to improve road safety and therefore often work in partnership on shared initiatives as part of a multi-agency approach.
4. An early example of this is the West Midlands Regional Safety Partnership. This was a joint initiative between West Midlands Police (WMP) and the 7 West Midland authorities to deliver fixed-site speed cameras. This partnership was disbanded in 2011 when the funding was stopped. Since then, fixed-site camera enforcement has not taken place in the West Midlands, and WMP have undertaken their speed enforcement responsibilities using mobile speed enforcement and, more recently, Average Speed Enforcement (ASE). Fixed-site camera housings have been retained across the borough as a deterrent.
5. In 2016, Birmingham City Council and Solihull agreed to pilot an ASE scheme with WMP. The initial operational model resulted in the Local Highway Authorities being responsible for the investment in infrastructure/ licensing etc. required to roll out ASE and the ongoing maintenance. The day-to-day operation and management of the system (back-office) was undertaken by WMP, with their costs being recovered through the income from diversionary courses, such as speed awareness. Where the income exceeded the back-office costs, the income would be returned to the highway authority to reinvest into road safety. However, where the costs of the back-office operation were not achieved, the shortfall would be underwritten by the highway authority.

6. Since the initial pilot, Coventry has also set up a Joint Working Agreements (JWA) with WMP. Most recently, in 2020 the four Black Country authorities entered a JWP with the police. In principle, all three agreements follow the same financial model.
7. **Current model (Appendix A)**

Due to the financial costs needed to implement the scheme, and ongoing operational costs, the Black Country scheme learnt lessons from the other agreements and took a conservative approach to implementing ASE routes. Combined with a robust data-led approach to route selection, this gave the best potential to deliver a sustainable scheme while minimising the financial risk to each authority. Dudley has two existing routes: A458 (Drews Holloway to The Hayes) and A4123 (Birmingham Rd to Priory Rd).
8. **Revenue Costs**

In developing the initial business case it was necessary to agree the level of resource required to deliver the project. Therefore, in conjunction with WMP it was determined that the project would have a target of 20,000 activations which would be shared equally (5000 per authority). Clearly the level of this income is currently unknown and is not guaranteed, therefore, each contributing authority was required to underwrite their share of the revenue costs (up to £41K per year).
9. The recovery of revenue costs is dependent on the conversion rate of activations. Currently the breakdown of offence outcomes is summarised below:
 - 42% result in a Fixed Penalty with income going direct to the treasury.
 - 22% result in appeals or non-payments for a variety of reasons.
 - 36% are processed to Speed Awareness courses.
10. It is this 36% of offenders attending course which covered the ongoing costs of running the ASE scheme. Each person pays around £96 to attend the course, with roughly half this amount covering the course administration, licences etc, and the remainder returned WMP to cover operational costs of the ASE scheme.

11. **Road Safety benefits/performance (Appendix C)**

After a slow start during Covid, the existing Black Country ASE scheme has performed well during the initial years of operation. The scheme along the A458 has seen overall speeds reduce from 44.4mph to 31.8mph (12mph). Recorded collisions have reduced dramatically, from a baseline of 26 injury collisions (2015-17) to just 9 recorded collisions (2020-2022). Similar results can be seen for A4123, with recorded collisions dropping from 32 injury collisions (2015-17) to just 3 recorded collisions (2020-2022).

12. **Proposed changes**

Following appointment of a new Assistant Chief Constable, WMP carried out a review of speed enforcement activity in June 2023, including mobile enforcement and ASE. This highlighted some key points:

- There is potential to increase the level of enforcement within the ASE scheme (subject to additional police resource).
- The 'true' police costs are considerably greater than the agreed WMP Cost Analysis set out in the existing contract (Appendix D)

With the three existing agreements nearing expiry, WMP expressed a desire to develop one JWA covering speed enforcement across the West Midlands.

13. Although all parties are in favour of a single JWA approach, there are some challenges to overcome before an agreement can be reached between WMP and the 7 local authorities:

- WMP increasing their existing operational costs by a factor of 3, as the previous operational costs quoted by WMP have been shown to be inaccurate and not account for all the costs incurred by WMP.
- Similarly, there are 'hidden costs' currently absorbed by the Local Authorities, which are not recovered from the current scheme.
- Black Country scheme being the most sustainable following a data-led approach would potentially subsidise other regional routes which are not as viable.
- Different financial positions/objectives of West Midland authorities (e.g., Birmingham).
- Coventry implementing many ASE routes but having only having a quarter of the enforcement of the entire Black Country.
- Potential for a West Midlands Scheme to become targeted at high-volume, high-speed roads and thereby not being as effective for Dudley.

14. **Interim arrangements (Appendix B)**

While these discussions are taking place, an interim agreement has been proposed by WMP to enable the scheme to continue throughout 2024/25. This is detailed in Appendix B.

Finance

15. It is important to recognise that speed enforcement is not intended to generate income, it is a tool to improve road safety. ASE schemes involve significant costs and ongoing revenue costs. Any scheme should be developed so it is essentially self-funding.
16. Surplus funds are not guaranteed, and a successful scheme will ultimately generate less revenue, as less drivers exceed the speed limit.
17. The financial performance of the existing Black Country scheme has been positive with no shortfall in year 1 and a surplus payment made to the local authorities. The most recent year has seen a shortfall, with local authorities are expected to cover the outstanding revenue cost. Dudley has a shortfall of £2,315 for 23/24. This is largely due to improved compliance with the speed limit, plus a high proportion of non-payment/appeals.
18. Negotiations regarding a new agreement/service plan will ensure that the financial risk to Dudley and other local authorities is mitigated as far as possible. In the spirit of partnership, representatives will negotiate on the use of surplus funds/ownership of risk and allowed costs for all parties.

Law

19. The Road Traffic Act 1988, Section 39, imposes a statutory duty on every Highway Authority in England to promote and improve road safety, by disseminating information or advice relating to the use of roads. The Act states that each local authority:
 - Must carry out studies into accidents arising out of the use of vehicles on roads or parts of roads, within their area.
 - Must in light of such studies, take measures as appear to be appropriate to prevent such accidents.
 - Must in constructing new roads, must take such measures as appear to be appropriate, to reduce the possibilities of such accidents when the roads come into use.

20. The Council's budgetary process is governed by Local Government Finance Acts 1988 and 1992, the Local Government and Housing Act 1989, and The Local Government Act 2003.
21. Draft contract documents and agreements will be discussed with DMBC legal team to ensure an agreement is acceptable and in the spirit of partnership.
22. Subject to delegated authority to the Director of Environment, the appropriate authorisation will be sought to enter into a legal agreement.

Risk Management

23. **Political risk (Lack of member support for a scheme).** This has been mitigated by including informal discussion with the portfolio holder for Highways and Environmental Services as part of the decision-making process.
24. **Management / Financial risk (Affordability / capacity to deliver).** This is mitigated through negotiations on a new West Midlands Joint Working Agreement. Robust route selection criteria and review using a data-led approach will ensure the scheme continues to see the maximum benefit while reducing the potential for cost deficit.

Equality Impact

25. No equality issues have been identified.

Human Resources/Organisational Development

26. Council staff costs associated with the assessment/delivery of road safety schemes are included in the Transport Capital Programme and existing revenue budgets.
27. Identified staff costs are proposed to be discussed for inclusion in the business case for the new West Midlands JWA. There are no further human resource or transformation implications associated with this report.

Commercial/Procurement

28. Procurement – Works are implemented using existing Crown Commercial Services Government framework.

Commercial – There are no commercial implications associated with this report.

Environment/Climate Change

29. *The proposed changes support the Council Plan and the West Midlands Local Transport Plan (see section 15 below).
The proposal support Climate Change, our Net Zero target by 2030 and the United Nations sustainable development goals. Specifically:*
3. *Good Health* – the criteria prioritise air quality corridors, trip generators such as hospitals and collision hotspots
 7. *Affordable & Clean energy* – the criteria consider EV charging needs
 9. *Industry, Innovation & Infrastructure* – the criteria consider congestions hotspots and key commuter routes.
 10. *Reduced Inequalities* – The application / notice changes are more inclusive.
 11. *Sustainable Cities & Communities* – The criteria consider local centres and all travel modes
 13. *Climate Action* – the criteria prioritise congestion hotspots, air-quality corridors, and modal shift.

Council Priorities and Projects

30. The programme meets the following Council priorities:

Council Vision

- A home of warm welcomes and close-knit communities (A place of healthy, resilient, safe communities with high aspirations and the ability to shape their own future).
- A home to world-leading transport Innovation (Better connected with high quality and affordable transport, combining road, tram, rail, and new cycling, and walking infrastructure).

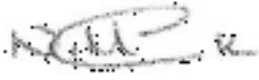
Council Plan 2022-25

- A safe and healthy borough
- The borough of opportunity
- The borough of ambition and enterprise

The emerging West Midlands Local Transport Plan 5

- Behaviour change
- Accessible and inclusive places
- Walk, wheel, cycle, and scoot.
- Public transport and shared mobility

- Safe, efficient, and reliable network
- Green transport revolution



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Appendices

Appendix A - ASE Service Plan 23/24.
Appendix B - West Midlands ASE Interim Agreement 24/25.
Appendix C - A458 ASE Summary results 2021.
Appendix D - WMP Proposed True Costs ASE Model.

List of Background Documents

N/A