

# Decision Pathway – Report



**PURPOSE:** Key decision

**MEETING:** Cabinet

**DATE:** 06 December 2022

<b>TITLE</b>	<b>Moving Traffic Enforcement (MTE)</b>		
<b>Ward(s)</b>	All wards		
<b>Author:</b> Duncan Venison	<b>Job title:</b> Network Operations Team Manager		
<b>Cabinet lead:</b> Cllr Don Alexander, Cabinet Member for Transport	<b>Executive Director lead:</b> Stephen Peacock, Executive Director Growth and Regeneration		
<b>Proposal origin:</b> BCC Staff			
<b>Decision maker:</b> Cabinet Member <b>Decision forum:</b> Cabinet			
<b>Purpose of Report:</b> To seek approval to use Moving Traffic Enforcement in Bristol once the powers are received.			
Evidence Base:			
<ol style="list-style-type: none"> <li>1. On 31 May 2022 the Government enacted Part 6 of the Traffic Management Act 2004 (TMA) which allows Highway Authorities to apply to the Department for Transport (DfT) for the powers to enforce moving traffic offences. A moving traffic offence is either: <ol style="list-style-type: none"> <li>a) An offence under s.36 Road Traffic Act 1988 of failing to comply with the indication given by a traffic sign that is subject to civil enforcement; or</li> <li>b) An offence of failing to comply with a traffic order (e.g. a TRO) in so far as it makes provision for a requirement, restriction or prohibition that is conveyed by a traffic sign subject to civil enforcement.</li> </ol> </li> <li>2. The TMA sets out a list of the traffic signs that are subject to these civil enforcement powers.</li> <li>3. Previously offences could only be enforced by the Police. Bristol City Council as Highway Authority has made an application to the DfT requesting such powers to undertake moving traffic enforcement in a bid to make Bristol's roads safer for all road users. Approval is being sought from Cabinet to approve the use of Moving Traffic Enforcement in Bristol once the powers are received. Powers will only be used at sites where consultation has been carried out</li> <li>4. Bristol continues to suffer from drivers who ignore traffic signs such as banned turns, prohibition of entry and one way streets. Ignoring such signs places road users at risk, increases congestion and causes damage to highway infrastructure. Complaints are received on a regular basis from the public, stakeholders and Members regarding vehicles ignoring signs with the request for enforcement to take place. Currently enforcement can only be undertaken by the Police and with their limited resource isn't their primary concern. By Bristol taking on MTE it gives the Highway Authority the control to enforce where it deems appropriate and would give the greatest road safety benefits. It also allows a direct response to be taken to complaints rather than having to pass to the Police.</li> <li>5. The six proposed sites to introduce MTE have the following records of offences. Other records of complaints</li> </ol>			

exist through complaints received but aren't searchable.

- i. Hockeys Lane, Fishponds, banned left turn – 5 related issues (3 additional votes) logged on Improve my Street. Regular requests from Members and demonstrations on site to highlight the issue.
  - ii. King Georges Road/Queens Road, Withywood, banned turns – 6 related issues (4 additional votes) logged on Improve my Street
  - iii. Lower Redland Road, Redland, no entry – 1 related issue logged on Improve my Street. Request from Members to address the issue. Upcoming CIL funding (2022) from Area Committee for physical measures to address the issue.
  - iv. Furber Road, St George, one way – No reported issues on Improve my Street. Request from local Member and residents.
  - v. Bath Bridge Roundabout/Temple Gate/Cattlemarket Road (signal-controlled junction), prescribed right turn – 15 related issues (39 additional votes) logged on Improve my Street
  - vi. Hareclive Road, Anton Bantock Withywood (signal-controlled junction), prescribed ahead only – 5 related issues (32 additional votes) on Improve my Street. Local Memembr request for a camera in relation to a pedestrian fatality
6. Additional sites throughout Bristol can be enforced using MTE once six weeks' statutory consultation has been carried out for each site and other checks have been cleared such as statutory signing and lining meeting the required standards, the Traffic Regulation Order is fit for purpose and it has been concluded that all other options to resolve noncompliance have been exhausted.

**Cabinet Member / Officer Recommendations:**

That Cabinet:

1. Note an application for the powers to carry out MTE has been made to the DfT that covers the whole administrative area of Bristol City Council as Highway Authority.
2. Note that enforcement will only be carried out at the six sites outlined in this report once use of MTE has been approved by Cabinet, and further sites may be added subject to statutory consultation as outlined in this report
3. Authorise the Executive Director Growth and Regeneration to take all steps required to implement the use of the Moving Traffic Enforcement in Bristol once the powers are received.

**Corporate Strategy alignment:**

Moving traffic enforcement supports Bristol's Corporate strategy 2022 – 27 through the Theme of Transport and Connectivity with aim of supporting Active Travel through making streets safer for all.

**City Benefits:**

1. MTE will encourage compliance by drivers of important traffic regulation measures
2. MTE should contribute to making Bristol's roads safer owing to increased compliance to traffic signs
3. More vulnerable road users and pedestrians should be at less risk as drivers are more compliant to traffic signs

**Consultation Details:**

Public Consultation ran from 20<sup>th</sup> September to 1<sup>st</sup> November 2022. Public consultation is a requirement set by the DfT in order to gain powers.

**Background Documents:**

The link below provides background information on MTE and the requirements that need to be met in order to gain powers.

<https://www.gov.uk/government/publications/bus-lane-and-moving-traffic-enforcement-outside-london>

<b>Revenue Cost</b>	c.£0.1m per annum	<b>Source of Revenue Funding</b>	Income generation for ongoing cost
<b>Capital Cost</b>	c.£0.15m one-off	<b>Source of Capital Funding</b>	One-off set-up costs funded from Parking Reserve
<b>One off cost</b> <input checked="" type="checkbox"/>	<b>Ongoing cost</b> <input checked="" type="checkbox"/>	<b>Saving Proposal</b> <input type="checkbox"/>	<b>Income generation proposal</b> <input checked="" type="checkbox"/>

**Required information to be completed by Financial/Legal/ICT/ HR partners:****1. Finance Advice:**

The report is seeking approval to use Moving Traffic Enforcement powers in Bristol to enforce moving traffic offences, make Bristol's roads safer for all road users.

Enforcement is through issuing a Penalty Charge Notice (PCN) for offences captured at the sites in operation. Initially there are 6 sites, with possibly further sites chosen in due course based on evidence of contravention.

Initially set-up costs for each camera site are expected to be around £0.02m, so for 6 sites between £0.120m - £0.150m. This will be funded from the existing Parking Camera replacement Reserve, which will be replenished on an annual basis in part from any surpluses that this enforcement scheme generates. There will also be annual operating costs for providing the service, such as camera R&M, administration costs for printing and issuing the PCNs, which are expected to be around £0.1m. It is anticipated that the implementation and management of Moving Traffic Enforcements will be resourced by existing staff, so no additional cost to Bristol.

This will be a new enforcement powers for Bristol City Council, so there is very limited data on levels of offences. Financial modelling work has been carried out based on survey data captured at 3 of the 6 sites over a 24-hour period, as well as using knowledge from other types of enforcement. Averaging out offences data and applying a compliance percentage for motorists, is estimated to generate £0.7m per annum based on 10 PCNs per day at each of the 6 sites (in the first year, which could reduce significantly depending on compliance levels). Even if compliance is rapid and falls to 5 PCNs per day at each of the 6 sites this would generate £0.35m and would cover the annual operating costs.

Any unforeseen costs will be funded from Traffic and Highways Service budgets.

The scheme will need to set aside sufficient costs to decommission (relocate) the Cameras once compliance is achieved, as a result it is recommended that some of the revenue generated in the early years are set aside for that purpose.

**Finance Business Partner:** Kayode Olagundoye, Interim Finance Business Partner for Growth and Regeneration, 24 October 2022

**2. Legal Advice:** Civil enforcement powers, once granted, are set out in the Traffic Management Act 2004 and the related Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 and the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022. Once powers are granted, the Council will need to ensure compliance with these statutory provisions in relation to procedure and governance (including accounting record) requirements.

Legal Team Leader: Dawn Bodill- Specialist Solicitor. 14 November 2022

**3. Implications on IT**

I can see no direct implications on IT in regards to this activity, however, IT would expect any new cameras to be added to the SEA Roadflow cloud hosted solution.

**IT Team Leader:** Alex Simpson – Senior Solution Architect. 27 September 2022

**4. HR Advice:**

It is anticipated that the implementation and management of Moving Traffic Enforcements will be resourced by existing staff. There are no other HR implications

**HR Partner:** Celia Williams, HR Business Partner, 30 September 2022

<b>EDM Sign-off</b>	Stephen Peacock, Executive Director Growth and Regeneration	11 October 2022
<b>Cabinet Member sign-off</b>	Cllr Don Alexander, Cabinet Member for Transport	20 October 2022

<b>For Key Decisions - Mayor's Office sign-off</b>	Mayor's Office	7 November 2022
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<b>Appendix A – Further essential background / detail on the proposal</b>	<b>NO</b>
<b>Appendix B – Details of consultation carried out - internal and external</b>	<b>NO</b>
<b>Appendix C – Summary of any engagement with scrutiny</b>	<b>NO</b>
<b>Appendix D – Risk assessment</b>	<b>YES</b>
<b>Appendix E – Equalities screening / impact assessment of proposal</b>	<b>YES</b>
<b>Appendix F – Eco-impact screening/ impact assessment of proposal</b>	<b>YES</b>
<b>Appendix G – Financial Advice</b>	<b>NO</b>
<b>Appendix H – Legal Advice</b>	<b>NO</b>
<b>Appendix I – Exempt Information</b>	<b>No</b>
<b>Appendix J – HR advice</b>	<b>NO</b>
<b>Appendix K – ICT</b>	<b>NO</b>
<b>Appendix L – Procurement</b>	<b>NO</b>