

From: David Brazier, Cabinet Member for Highways and Transport
Phil Lightowler, Interim Director Transportation

To: Environment and Transport Cabinet Committee – 3 November 2021

Subject: Traffic Management Act. Part 6– Civil Enforcement Of Traffic Contraventions Amendments

Classification: Unrestricted

Past Pathway of Paper: **n/a**

Future Pathway of Paper: **n/a**

Electoral Division: **County-wide**

Summary: This report summarises the work undertaken to date by officers in preparing Kent County Council’s Application to the Department for Transport for Part 6 Powers of Civil Enforcement of Traffic Contraventions of the Traffic Management Act 2004. It also summaries the work already done and required to prepare the County and its highways infrastructure for such changes.

As part of this workstream, officers have been engaged with the Department for Transport (DfT), Kent Police, Kent Association of Local Councils and National Highways with the aim to secure powers that enables Kent County Council to use civil enforcement for moving traffic offences, making illegal banned turns, goods vehicle weight restrictions, prohibited vehicles and stopping in yellow box junctions, rather than being reliant on Kent Police, who currently, are the only authority with relevant powers

Recommendation:

The Cabinet Committee is asked to consider and note the work undertaken to date by the officers and note the Leader’s intention to submit an application to DfT that will grant KCC via a Designation Order the ability to enforce Traffic Contraventions of the Traffic Management Act 2004. The order is expected to be passed in the Summer of 2022. Enforcement would be operational thereafter.

1. Background

- 1.1 The Traffic Management Act (TMA) 2004 introduced civil enforcement of traffic offences in England and Wales.
- 1.2 Part 6 of the Act allows Councils outside of London to enforce moving traffic offences, like making banned turns and stopping in yellow box junctions.

- 1.3 Despite the 2004 Act now being 17 years old, secondary legislation has never been introduced by parliament and moving traffic offences can only be enforced by the police under criminal law.

2. DfT Progress

- 2.1 The DfT announced in September 2020 that they would be fully enacting the remaining elements of Part 6 of the Traffic Management Act (TMA), permitting local authorities outside of London to use approved camera devices to enforce moving traffic contraventions.
- 2.2 By introducing the enforcement of moving traffic contraventions and utilising the latest Automatic Number Plate Recognition (ANPR) camera technology, authorities will be in a far better position to manage and improve their local road network and deliver key objectives outlined in their local transport plans.

3. Key benefits of introducing moving traffic enforcement

- 3.1 The principal improvements KCC wish to address with these powers are:
 - Improved pedestrian and cyclist safety, supporting modal shift to sustainable transport options.
 - Increased safety and cleaner air around schools – camera enforced school streets schemes has been proven to have positive effect.
 - Reduced network congestion and the effective enforcement of weight restrictions, concentrating traffic on the most appropriate routes.
 - More reliable 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 Kent police resources, allowing focus on policing priorities.

4. KCC Proposal

- 4.1 For these powers to be granted, KCC are required to submit an application for the designation order of the Traffic Management Act P6 amendments to the DfT
- 4.2 The application must evidence a rigorous minimum 6-week consultation with the public, ensuring all concerns/disputes of response have been thoroughly considered and resolved.
- 4.3 There is also the requirement to partake in prior and ongoing public communications/advertisements/publicity of the change in legislation to the public.
- 4.4 The County are required to consult the appropriate Chief Officer of Police. before a Designation Order is passed, the Secretary of State will consult the appropriate Chief Officer of Police. (Officers are already heavily engaged with Kent Police)
- 4.5 The most recent DfT Advice Note on Applying for a Designation Order for Civil Enforcement of Moving Traffic Contraventions indicates that applications may

be made for the whole, or part of, a local authority area by a Highway Authority.

- 4.6 An application for powers by the County Council will ensure a transparent, accountable, proportionate, and consistent approach to Moving Traffic Contraventions across Kent. Enforcement measures will be implemented to target areas where action is needed. These are likely to take the form of Automatic Number Plate Recognition cameras and will be implemented either through a new contract or via a potential partnership with District Councils. Fine levels look likely to be set at the existing PCN (Penalty Charge Notice) levels.
- 4.7 This opportunity is not part of the same legislation as the on-street parking powers that are devolved to the Districts and Boroughs.
- 4.8 Early engagement and consultation with Districts and Boroughs and businesses is therefore paramount for this being taken forward at the County level. The Kent Association of Local Councils is already engaged and keen to assist in identifying local priorities.

5. Key Dates

- Wednesday 15 September - Councils to register their intention to apply by emailing the DfT
- Early February 2022 – formal application submission to DfT
- End of March 2022 - First tranche of designation orders expected to be laid before parliament
- End of April 2022 - First tranche of orders expected to be approved
- End of May 2022 - Enforcement expected to be able to commence

6. Recommendation

6.1 The Cabinet Committee is asked to consider and note the work undertaken to date by the officers and note the Leader's intention to submit an application to DfT that will grant KCC via a Designation Order the ability to enforce Traffic Contraventions of the TMA 2004. The order is expected to be passed in the Summer of 2022. Enforcement would be operational thereafter

Contact Details

Report Author

Neil Edwards, Traffic Manager
03000 413612
neil.edwards@kent.gov.uk

Relevant Director

Phil Lightowler, Interim Director Transportation
03000 411683
Philip.Lightowler@kent.gov.uk