

**From:** Michael Payne, Cabinet Member for Highways and Transport

Barbara Cooper, Corporate Director of Growth, Environment and Transport

**To:** Environment and Transport Cabinet Committee – 23 January 2020

**Subject:** HGV Member Working Group Report

**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 by the group to date and the proposal to implement a trial lorry control area in the County to eliminate or substantially reduce, in so far as practicable, inappropriate HGV movements.

As part of this workstream, officers have been engaged with the Department for Transport with the aim to secure powers such that Kent County Council could undertake enforcement directly within the trial area, rather than be reliant on the 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 Informal Member Working Group and note the new Cabinet Member's intention to formalise the arrangements into a cross-party member group (CPMG).

## 1. Background

1.1 As the UK's gateway to Europe, Kent residents suffer a variety of issues arising from lorry traffic. Where lorries use unsuitable routes away from the strategic road network, many problems are caused such as pollution, noise, vibration and increased demand on road maintenance repairs.

1.2 In the last 15-20 years, any highway authority tackling the issues of lorries using inappropriate routes has faced a number of fundamental difficulties: -

- Weight or width traffic regulation restrictions always exempt access, allowing an errant driver to simply claim they were delivering to an address

- The Police simply do not have the resource to enforce the existing restrictions and when sanctions are enforced, they are simply inadequate as a deterrent
- Lorry drivers are now following (cheap car based) satellite navigation devices and ignoring signs.

All of this has been compounded by the enormous increase in internet home delivery traffic. In 2018, 77% of adults shopped online, compared to 53% in 2016. Van traffic grew by nearly 5% in one year (2015-16).

- 1.3 Officers from this working group engaged with Leicestershire County Council which introduced a lorry control plan in the 1990s and with London Councils where the London Lorry Control Scheme (LLCS) was implemented in 1985.
- 1.4 The Leicestershire control plan was initially successful thanks to enforcement by the police and trading standards, however, as their plan was implemented across a wider area of the shire, enforcement became less prevalent and today, is only periodically enforced by police where “hot spots” are evidenced. To date, both Leicestershire Police and Trading Standards have not prosecuted any individual for breaching the Traffic Regulation Order. This can be directly linked to the enforcement resource and the fact that an officer would need to witness the whole journey made by an HGV through the restricted area. Therefore, the scheme has limited effect on the movement of HGVs.
- 1.5 The LLCS is often, mistakenly, referred to as the lorry ban, when it is actually a control which serves to manage the environmental impact of HGV journeys in London. If hauliers need to gain access via a restricted road, each vehicle will require a permission to carry out deliveries/collections within the hours of control.
- 1.6 The LLCS has (London) specific legislation enabling London Councils to carry out enforcement directly. This legislation also sets higher rates of Penalty Charge Notices that applies to both haulier and driver. Their enforcement team (Manager plus 6 enforcement officers) manage the scheme’s system and issuing of any fines. This is a sustainable approach, where the team are self-funding, with the ability to react and manage the road network in respect of HGV movements.
- 1.7 Under the LLCS, the cost of the Operator PCN is at a higher rate of £550 and the driver PCN is at the lower rate of £130 with a prompt payment reduction of 50% if paid within 14 days. The recipient of a PCN can make a challenge and may be given the opportunity to appeal their case with an independent adjudicator.

- 1.8 The LLCS have recently commenced a trial of enforcement cameras in two boroughs of London and Officers will keep updated with the outputs and benefits of that trial.

## **2. Trial Option**

- 2.1 Given the sustainability and effectiveness of the LLCS, the working group have carried out an initial design for a trial area to the south of Maidstone. This area has been jointly identified with the Kent Association of Local Councils.
- 2.2 The trial area would contain roads that are excluded from the restricted zone and HGVs can use without the need for permission. i.e. these are the primary routes that we would want HGVs to use. If an HGV needed to leave the unrestricted network, they would need a valid reason to travel into/through the restricted zone, for example, a delivery, collection or other exemptions such as that the Haulier's premises may be based within the restricted zone. The trial would support legitimate access.
- 2.2 Officers have engaged with Department for Transport (DfT) to establish the legal mechanisms, outside of London, that would permit Kent County Council to undertake direct enforcement. Officers have had some positive discussions with the DfT, however, this is currently on hold as the government are fully focussed on passing legislation to come into force in time for the UK's planned departure from the European Union on 31<sup>st</sup> January. DfT have been asked to provide ministers and 10 Downing St with a paper on permitting local authorities relevant enforcement powers under the 2004 traffic Management Act. The response to this paper, expected early 2020, will directly influence when and if legislation could be enacted, which requires a ministerial decision.
- 2.3 In addition to the request for powers, Kent County Council have also strongly requested that the DfT considers that the fine levels are increased to the same level at those levied by the LLCS.
- 2.4 If the position of enabling powers is positive, the group would then engage with the HGV transport bodies (Road Haulage Association and Freight Transport Association) to achieve stakeholder input and support in detailed design. Once this is completed, wider stakeholder engagement and formal consultation would take place.
- 2.5 Confirmation of powers and time limited duration of any approval would then permit officers to identify the resource required to implement and manage the proposed trial area.

- 2.6 Once government position is clear, this will enable officers to construct a delivery timeline with key milestones and work up the costs of operating a trial area.

### **3. Recommendation**

The Cabinet Committee is asked to consider and note the work undertaken to date by the Informal Member Working Group and note the new Cabinet Member's intention to formalise the arrangements into a cross-party member group (CPMG).

### **4. Contact Details**

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