



Birmingham City Council
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Our Ref HUXTABLE/CD/CAB13021 (please quote when responding)
Date 27 January 2011

[REDACTED]
Department for Transport
Zone 2/6 Great Minster House
76 Marsham Street
London
SW1P 4DR

Dear [REDACTED]

**IMPLEMENTATION OF PART 6 OF THE TRAFFIC MANAGEMENT ACT 2004
REMAINING POWERS FOR LOCAL AUTHORITIES TO ENFORCE BUS LANES AND MOVING
TRAFFIC MATTERS**

Thank you for your letter dated 15 December to Councillor Mike Whitby regarding the above.

In general Birmingham City Council welcomes this consultation and would actively look to support such powers should they become available for the purposes of Civil Enforcement. You may be aware that we have previously sought clarity from your Department with regard to the implementation of these powers as we believe that active and targeted enforcement of such offences would greatly assist in carrying out our Network Management Duty.

We also believe that with the right approach to enforcement there could be considerable benefits to road safety in addition to those which could be made to congestion management. Our initial considerations on the most effective method of enforcements have focussed on the need to develop automated camera technology supported by a linked system for the issuing of Penalty Charge Notices.

The level of effective enforcement will be dependent on some key principles which in my view would need further discussion and consultation. Initially I would highlight 3 areas required for future work namely;

- the definition or specification of these offences for the purposes of automatic camera detection
- the intended process of appeals against civil enforcement action
- the need to balance the signing requirements within the Traffic Signs Regulations and Directions associated with these restrictions against the initiative to reduce signage and street clutter

cont...

In addition, our initial investigations on how we may take this forward as a shared approach with the Police in relation to speed enforcement and other criminal traffic offences, has highlighted some barriers within the system of Home Office protocols. This would appear to limit the scope to which data from certain cameras (in particular speed measurement cameras) can be shared with other data relating to potential civil enforcement offences. Again it would be helpful in progressing these powers if those protocols could be reviewed and relaxed.

On the specific issues you raised in relation to our proposed intentions, should these powers become available I would make the following comments:-

Ensuring Fair and Appropriate Enforcement

We would look to establish a robust methodology for enforcement taking into account the type and location of offences in relation to the impact such effective enforcement would have on the movement of traffic and the safety of highway users. This methodology would begin by prioritising offence types based on impact and then applying those prioritised offences to locations where the greatest benefit is likely to be recognised. This would be put in to practice through the use of mobile and portable enforcement cameras in order to be able to react to changing priorities.

To this end a Council enforcement protocol would be approved and issued outlining how this methodology will be applied to ensure that the most appropriate locations and offences are targeted.

In a similar vein to the Civil Enforcement of parking, we would also suggest an annual public report in relation to our moving traffic offences enforcement which would demonstrate a transparent and accountable approach to the issue.

Public Communication of Enforcement Plans and Policies

In support of an anticipated nationwide Government campaign, Birmingham City Council would look to develop a local marketing and media awareness campaign. The principles of this campaign would be to emphasise the road safety and traffic congestion benefits that effective enforcement of everyday examples of dangerous and frustrating driver behaviour can bring.

In relation to communicating our policy and plans to the public we would seek to address our Local Area Committees in advance of implementation to understand the views of Birmingham's citizens and how they would wish to see those policies and implementation plans conveyed to them. We anticipate that the likely forms of that communication would include a leaflet promotion to Birmingham households highlighting the City's approach to civil enforcement and directing the public to our web pages where more detailed information (including full plans, policies and protocols) could be viewed.

Priority of Enforcement Activities

The City Council gives road safety and congestion management a high priority and this is reflected in Council polices and service plans at the highest level. We recognise that the safety of our citizens and reducing carbon emissions are key principles for the Authority and see that the powers which would become available through this legislation as being an important addition in addressing those principles.

We would also seek to work with partner agencies who also share some of our priorities. We believe there may be certain synergies with West Midlands Police in terms of resource and infrastructure which we will be investigating further in the near future to establish where we may be able maximise the benefits of civil enforcement action with criminal enforcement initiatives.

cont...

We would also seek to work with partner agencies who also share some of our priorities. We believe there may be certain synergies with West Midlands Police in terms of resource and infrastructure which we will be investigating further in the near future to establish where we may be able maximise the benefits of civil enforcement action with criminal enforcement initiatives.

Enforcement in Support of LTP targets and Network Management Duty

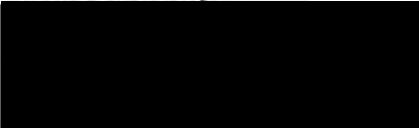
We consider that the enacting of this legislation will assist in meeting targets in terms of the Local Transport Plan, National Indicators and our network management duty. Effective enforcement of prohibited movements will seek to improve road safety and thereby assist in meeting road safety casualty targets. LTP targets relating to ensuring sustainable transport can be assisted with the effective and co-ordinated use of civil enforcement powers (including existing bus lane powers) thereby making journeys more reliable and decreasing journey times.

Role of Elected Member in Ensuring Local Concerns are addressed in developing and implementing policy

Using the Local Area Committees to develop policies and plans will enable elected members to engage with the public and seek to address their concerns in relation to implementing those policies and look to guide officers and members in the choice of which enforcement tools should be used.

I trust the above comments will assist you in progressing the enactment of these powers. I would be grateful for an early indication of your planned programme for implementation of the legislation in order that the Authority can plan for the necessary resources to ensure swift implementation on the powers being made available.

Yours sincerely



Councillor Timothy Huxtable
Cabinet Member – Transport, Environment and Regeneration



Councillor Mary Mears
Leader of the City Council
Brighton & Hove City Council
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Dear [REDACTED]

**Implementation of Part 6 of the Traffic Management Act 2004 (TMA) –
Remaining powers for local authorities to enforce bus lanes and certain moving
traffic matters (e.g. yellow box junctions)**

I write in response to the letter of 15 December 2010 from Norman Baker MP, Under Secretary of State for Transport, requesting our views on whether the above powers should be enacted and whether Brighton and Hove City Council is likely to want to use them.

The matter has been discussed with our Traffic Manager, Road Safety Manager and local transport operators, all of whom are of the view that these additional powers are needed in Brighton and Hove.

We believe that these powers would provide a useful tool for making headway with improving the driving behaviour of a small minority of drivers who disregard traffic regulations causing inconvenience and delays to other road users and on occasions putting their own and the safety of others at risk.

As a local authority that has been operating bus lane enforcement under the Transport Act 2000 for the past four years, we also believe that transferring this enforcement to the Traffic Management Act 2004 would lead to greater consistency and a process that is easier for the public to understand.

In answer to the specific points raised by the Minister

- how we will ensure these enforcement activities are carried out in a way that is fair and proportionate, and targeted on the most selfish and disruptive behaviours

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Conservative Member for Rottingdean Coastal Ward

Our objective will be to improve traffic flow and reduce delays for vehicles on the main entry and exit points to Brighton and Hove and improve journey times and road traffic safety. Prior to any enforcement we would also carry out a full review and refresh of all relevant lines and signage, to ensure the regulations are clear. New signage would be installed to highlight that the area is subject to moving traffic enforcement.

We currently monitor traffic flow and the causes of delays from our Traffic Control Centre and look to use this information and any additional research required to agree a maximum set of three or four key junctions for enforcement. For road traffic safety reasons one of the box junctions under consideration for enforcement is at a level crossing. The council will use the experience gained in London and from key decisions recorded at London's Parking and Traffic Adjudication Service when formulating its enforcement policy and appeals guidelines.

- how we intend to communicate their enforcement plans and policies to road users and visitors

A communications plan would be developed to include regional television news as well as local press. As with bus lane enforcement we would hope to work in partnership with local bus companies to provide additional warnings on the back of buses. Signage will be deployed in advance of and at key entry points to indicate the use of camera enforcement.

Enforcement plans and policies would be published in full on our website. As with bus lane enforcement a full analysis of compliance and an explanation of our objectives and the outcomes of the enforcement of moving traffic offences would be included in our Parking Annual Report for publication on the internet. We have also developed good contacts with a wide range of stakeholders which we would use to advise specific groups of road users such as taxis, hoteliers and other interest groups of any changes to enforcement policies.

- what priority we intend to give to the enforcement activities enabled by these proposals

We would have two key priorities in taking on these powers. The first is road traffic safety which is why in particular we would like to include a busy level crossing in Portslade amongst our list of junctions that would potentially require enforcement.

The second is to improve traffic flow along the main entry point for visitors to the city. This transport corridor is vital to the economic success of the city and in determining the overall experience of tourists and visitors travelling to the city by car. It is also important that we are able to maintain local bus services even at times of peak congestion when visitors are entering or exiting the city and as such we would work with our partner organisations to target junctions where frequent delays are caused by drivers disregarding traffic regulations.

- when these enforcement powers would be needed in order to support wider local transport plans, targets and policies – and to help authorities meet the requirement of the Network Management Duty introduced by the Traffic Management Act

We believe that targeted enforcement powers would make a difference now to the journey times of visitors visiting the city by car as well as bus journey reliability. We would therefore welcome the enactment of these powers as soon as due process allows.

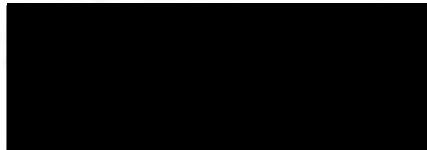
- how elected members intend to ensure their officers take account of public concerns in developing and implementing enforcement policies and what enforcement tools they would use.

Elected members' approval would be required for any location subject to moving traffic offence enforcement ensuring that it is limited to a small number of key sites only and members would review the impact of enforcement and progress against our stated objectives one year after its introduction.

Officers propose to use a mix of manual CCTV camera enforcement as well as unattended enforcement systems to cover times of maximum congestion which in Brighton and Hove is often at weekends and bank holidays. The hours of enforcement would be agreed by members and limited to hours of the day where infringements cause significant disruption.

We would be happy to assist if you require any further information or clarification of the above. Our lead officer in this matter will be our Traffic Manager, Peter Bloxham who is contactable on 01273 292456.

Yours sincerely,



Councillor Mary Mears
Leader, Brighton & Hove City Council



Thursday 27 January 2011

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Dear [REDACTED]

**Implementation of Part 6 of the Traffic Management Act 2004 (TMA) –
Remaining powers for local authorities to enforce bus lanes and certain
moving traffic matters**

In response to Norman Baker's letter of 15 December 2010 I am pleased to confirm that Bristol's commitment to tackling congestion through active and co-ordinated traffic management is generating positive outcomes.

As part of the national public service agreement with the Department for Transport, Bristol with its West of England Partners has been awarded nearly £2m from the government's Congestion Performance Fund since its inception in 2006/07.

This performance related grant is in recognition of Bristol significantly exceeding its target each year in relation to congestion and journey times for both car drivers and bus passengers on core routes around Bristol. This has been achieved through the successful implementation of our Congestion Delivery Plan, developed to tackle congestion and improve journey times across Greater Bristol

Bristol's Traffic Control Centre was opened in September 2008 to provide a holistic approach to active traffic management and delivering the requirements of the Network Management Duty in a fair and proportionate manner under the guidance of Bristol's Traffic Manager.

The multi-disciplined Traffic Control Centre incorporates urban traffic control, bus lane enforcement using CCTV, highway network management and public transport punctuality and reliability management. The Centre is regularly used for event management, often in conjunction with the local police who have based their Silver/Bronze command there.

A network of real-time car park information and traffic variable message signs convey timely messages to the travelling public. This information is combined with

peak period live radio broadcasts and web pages to provide an effective service to the travelling public.

Bus lane enforcement commenced in Bristol in January 2010 following consultation with the major public transport operators and an extensive publicity campaign.

Despite these initiatives traffic flows in Bristol are still subject to delay at times, often as a result of inconsiderate activities by a few selfish motorists. Examples of this are the blocking of box junctions and motorists undertaking prohibited manoeuvres. If the City Council were to be given the powers to enforce such restrictions we would widely publicise the fact so that motorists became aware of the possibility of enforcement by CCTV in the hope that they would refrain from offending. We would nevertheless still wish to undertake enforcement, particularly at those junctions where offending motorists have a significant impact on, or present a danger to, others such as undertaking a manoeuvre where they are in conflict with a green man crossing.

Should Bristol be given the ability to enforce additional moving traffic offences we would do so in a fair and proportionate way, using these additional powers alongside those that we currently have to help keep traffic moving, for the benefit of all. We would generally enforce using our existing extensive network of traffic control cameras but would also seek to use additional mobile cameras to supplement our current bus lane enforcement activity, concentrating on areas where the maximum benefits in terms of journey time reliability and reduction could be obtained.

All new enforcement initiatives in Bristol have an associated communication strategy involving a publicity campaign and an introductory period of two weeks grace where only warning notices are issued. When bus lane enforcement commenced in Bristol we undertook an extensive publicity exercise, including the use of press releases, leaflets and bus back advertising. I would envisage a similar style of campaign if Bristol were given additional enforcement powers. Executive and other key Members are regularly briefed with progress on enforcement initiatives and advised how this contributes to our Punctuality Improvement Partnership with the local public transport operator as well as our wider Network Management Duty.

I am confident therefore that the rolling out of the remaining powers contained in Part 6 of the Traffic Management Act, to permit local authorities to enforce moving offences will provide another tool in the traffic management toolkit to assist in combating inconsiderate motorists and reducing disruption to the highway network.

Bristol will always strive to provide safe and where practicable, convenient routes for all road users, so on behalf of Bristol City Council I support the introduction of these powers and will be pleased to recommend this to my colleagues for their consideration.

Yours sincerely,

[REDACTED]
Leader of Liberal Democrat Group
Leader of Council



**Councillor Richard Lewis
Deputy Leader & Executive Board
Member for Development &
Regeneration**

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Your ref:
Our ref: RL/SS

31st January 2011

Dear [REDACTED]

**Implementation of Part 6 of the Traffic Management Act 2004 (TMA) —
Remaining powers for local authorities to enforce bus lanes and certain
moving traffic matters (e.g. yellow box junctions)**

Thank you for your letter dated 15th December 2010 requesting the views of Leeds City Council on whether the powers referred to above should be enacted and whether this Council is likely to use them.

As Executive Member for City Development Directorate I have been asked to reply on behalf of the Leader of the Council, Councillor Wakefield. I have also consulted with the Executive Member for Neighbourhoods and Housing whose directorate has the Parking Services section which would assume responsibility for enforcement.

The considered views of the Council are set out in response to your questions detailed below:-

- how local authorities will ensure these enforcement activities are carried out in a way that is fair and proportionate, and targeted on the most selfish and disruptive behaviours;**

From the signing information provided in your letter there is a wide range of moving traffic offences which could be targeted for enforcement. It is recognised that different authorities will have different, locally determined, priorities for those contraventions to be targeted. Leeds would look to consider targeting the most selfish and disruptive behaviours across the city which meet the priorities of LTP3 particularly in relation to reducing congestion, encouraging alternative modes of transport to the private car and reducing pollution, eg bus lane and yellow box junction enforcement. However, the enactment of these powers would enable the

Council to take direct local enforcement action on issues affecting local communities, eg weight limits and prohibition of vehicles. Currently, while the City Council promotes various, justified, Traffic Regulation Orders which have been requested by local communities the enforcement rests with the Police. Where the public perceive a lack of police enforcement, enabling the local authority to undertake enforcement would, therefore, increase the ability of the Council to target community concerns.

It is presumed that the contravention of the signs indicated will, effectively, have dual enforcement by the police and local authority. Confirmation that the Police will retain appropriate powers would be appreciated.

It is important, however, that the public do not perceive this alternative form of enforcement as a downgrading of the offence. This would be the wrong message to give to motorists.

The Council considers the potential to target selfish drivers by enforcing yellow box junctions as significant in its attempts to reduce congestion.

The cost benefit of introducing the enforcement would need to be considered. The cost of the equipment and staff resources needs to be considered against the costs which could be recovered and the traffic movement and safety benefits which may accrue. The cost benefit should be considered as cost neutral.

It is noted that the enforcement would be through a record produced by an approved device or information given by a civil enforcement officer as to conduct observed by him. It has been suggested that in London you can report these offences by way of a simple witness statement to the Local Authority who will in turn issue a ticket by post. In consideration of emerging Big Society and Localism agendas would there be the prospect either at the outset or in future of empowering suitably trained members of the community to provide photographic evidence of contraventions in specific localised situations?

There is a slight cause for concern that contravention of sign 615 and 615.1 (priority must be given to vehicles from the opposite direction) would be very subjective, unless resulting in a collision. Other signs provide definite guidance or prohibition of movement and contravention more easily determined. Will definitive guidance be provided on the enforcement of signs 625 and 615.1?

- **how local authorities intend to communicate their enforcement plans and policies to road users - both local road users and visitors;**

Within the suggestion of enacting these powers it is not the existing law which is changing but the enforcement regime. Motorists should be aware of the potential for the Police to currently enforce any contravention of the legal signs.

The council would have to communicate the change of enforcement and this would be undertaken through its range of communications with the public, eg local press, Council website and community forums. Appropriate steps would be taken to ensure that signs and road markings were clearly legible and temporary signing provided.

The results of enforcement should be published and where the enforcement has amended behaviours the enforcement should be reviewed and, if necessary, removed.

The first phase of the Bus Lane Enforcement measures within Leeds, under the Transport Act 2000, will be up and running from early March 2011, and will be issuing warning dummy tickets for four weeks to motorists contravening the bus lanes in order for them to adjust their travelling routine. It is envisaged that a similar process would be undertaken should Leeds assume the powers proposed.

- **what priority local authorities intend to give to the enforcement activities enabled by these proposals;**

Part 6 of the Traffic Management Act 2004 has the ability to allow local authorities to further its practical management of the highway network and to further ensure the expeditious movement of traffic on their road network. While a number of elements have been enacted through this legislation, the main focus of the Act, that of managing the operation of the network and reduce congestion has not been fully addressed due to section 6 of the Act not being enabled to give LA's the power to enforce moving traffic offences. Many Police Authorities have, however, taken the view that the Traffic Management Act gives LA's the powers to enforce moving traffic offences, and so have stepped back from such offences covered in the Act.

While there is a need for LA's to be provided with the necessary powers the priority for those elements to be enforced needs to be targeted, as per your letter, towards those selfish and disruptive behaviours identified in the first question.

- **when these enforcement powers would be needed in order to support wider local transport plans, targets and policies - and to help authorities meet the requirements of the Network Management Duty introduced by the Traffic Management Act; and**

While the LTP3 is still being finalised there are three areas where these additional enforcement powers would be advantageous:-

- promoting public and sustainable transport ensuring facilities provided for these groups are not compromised by motorists.
- easing/preventing congestion and allowing traffic management schemes and junctions to function as design to maximise their benefits.
- casualty reduction – reduce accidents caused by motorists not obeying the imposed restrictions thus causing injury accidents.

Considerable work has been undertaken already through LTP2 with regard to the above and the potential to undertake more appropriate levels of enforcement, not as a revenue generating exercise but as means of gaining further transport benefits as

motorists behaviour improves, would indicate that the sooner these powers are enacted the quicker benefits will be achieved.

This has to be balanced with the funding requirements required for the enforcement. While Leeds has in place, for the forthcoming bus lane enforcement, the equipment and processes necessary the extension of enforcement action will require careful financial consideration in the current economic climate.

Leeds has worked diligently to meet the requirements of the Network Management Act and the ability to take on these new powers is seen as a further important step in managing the highway network.

- **how local authority elected members intend to ensure their officers take account of public concerns in developing and implementing enforcement policies and what enforcement tools they would use.**

Should the necessary powers be taken by the Council it would be necessary for the enforcement policies and enforcement tools to be used to be agreed through the Highways and Transportation Board. Reports to the Board are subject to consultation with elected Ward Members and are subject, where appropriate, to a 'call-in' process. Because these policies would operate across the city any report would be subject to such a 'call-in'. Any report approved by the Board is subject to further approval from the Executive Member.

At a local level, where a Traffic Regulation Order (TRO) to be considered which would require sign(s) of those listed, consultation would be held as part of the due process with local Ward Members on justification for the TRO and any enforcement requirements. The results of this consultation are reported to the Highways and Transportation Board as part of the scheme report.

These actions would ensure that elected members ensure officers take account of public concerns.

Additional Comments:

Bus lane enforcement powers are currently available under the Transport Act 2000. It would make sense to make sure that authorities that have been granted powers under Transport Act automatically assume them, under the Traffic Management Act, and that provisions in the Transport Act are abolished so everyone enforces under the same legislation. Consideration should also be given to the amount of the fine - at the moment Bus Lane Enforcement (BLE) fines start at £30 whereas TMA are £25 or £35. It would be better if the BLE fine was in line. It is considered that £35 is more appropriate for these type of offences.

The methodology for undertaking moving traffic offences should be the same as BLE as it is understood by local authorities and provides robust evidence of offences.

Leeds is recognised as a leading authority in the implementation of High Occupancy Vehicle (HOV)lanes. The signing of these is by special authorisation but the Police
www.leeds.gov.uk switchboard : 0113 222 4444

will only provided limited enforcement if the Council pays a high recharge rate. This is compromising the effectiveness and public acceptance of these HOV lanes. The Council would wish to enforce these lanes to a much higher level, to gain their full benefits, and would ask that the Department seeks to amend the table of signs in paragraph 9(4) to enable local authority enforcement of specially authorised signing for HOV lanes at its earliest convenience.

There is an increasing issue with the contravention of signs, especially weight limits, by foreign registered vehicles. Unless part of a multi-agency operation, the Council does not have powers to stop a vehicle and issued Fixed Penalty Notices fines cannot be recovered. Clarification as to how this issue could be addressed would be appreciated.

Conclusion

Having considered the issues carefully I can confirm that should the powers of Part 6 of the Traffic Management Act 2004 be enacted, Leeds City Council would wish to use them.

Yours sincerely



**Councillor Richard Lewis
Executive Board Member for Development & Regeneration**



JA/131286/LM

24 January, 2011

Councillor Joe Anderson
Leader of Liverpool City Council

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Zone 2/6 Great Minster House
76 Marsham Street
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Dear [REDACTED]

**RE: IMPLEMENTATION OF PART 6 OF THE TRAFFIC MANAGEMENT ACT 2004
(TMA) – REMAINING POWERS FOR LOCAL AUTHORITIES TO ENFORCE BUS
LANES AND CERTAIN MOVING TRAFFIC MATTERS (E.G. YELLOW BOX
JUNCTIONS)**

I refer to the letter from Norman Baker, of 15 December 2010 seeking views on whether the powers referred to above should be enacted, and if they were, whether Liverpool City Council is likely to want to use them.

In answer to these questions I would state that Liverpool City Council does support the enactment of the powers and would indeed seek to use them. In so doing this would support objectives within the Local Transportation Plan (LTP) regarding reduction in accidents and improvements to air quality. Additionally, for the motorist, this would help to provide a more consistent appreciation of regulations and ensure greater compliance on a local and national level.

The following will hopefully provide you with evidence of the City Council's intentions in respect of:

- **How local authorities will ensure these enforcement activities are carried out in a way that is fair and proportionate, and targeted on the most selfish and disruptive behaviours;**

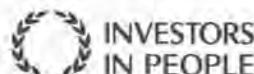
Camera enforcement, both static and mobile, would be the chosen method of enforcement in most cases. Resources would be prioritised to ensure maximum benefit, both in terms of road safety and reduction in congestion and improved efficiency in local transport journeys. The local transport authority (Merseytravel) would be instrumental in identifying strategic routes/locations where maximum benefit would likely be obtained. Indeed current bus lane enforcement has widely been acknowledged, by Merseytravel, and bus operators as being a great success. Accident statistics would be another way in which resources could be targeted for appropriate enforcement. Without doubt the public would have little support for increased enforcement powers, unless they reflected improvements in terms of reducing road traffic accidents and congestion/journey times.

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Liverpool City Council

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- **How local authorities intend to communicate their enforcement plans and policies to road users – both local road users and visitors;**

Existing parking and bus lane enforcement has been communicated successfully through local press (newspaper and radio), exhibitions, via the City Council website and call centres and through consultation and letter drops, in addition to enforcement signage on site. Any new enforcement would be communicated in the same way.

- **What priority local authorities intend to give the enforcement activities enabled by these proposals;**

Enforcement is given a high priority within the latest LTP, highlighting that police enforcement has improved driver behaviour, a trend which needs to continue. Additional powers to enforce moving traffic offences would assist with overall civil enforcement thus allowing a better use of police resources and also deliver benefits in road safety. There is support in LTP3 for infrastructure change and enforcement supported by education.

- **When these enforcement powers would be needed in order to support wider transport plans, targets and policies – and to help authorities meet the requirement of the Network Management Duty introduced by the Traffic Management Act;**

Bus lane enforcement is already operational at 3 sites within the city. Work is in hand to extend enforcement measures throughout the bus lane network across the city. Detailed investigations would be required at this stage to see how the implementation of these powers might assist with ongoing enforcement and the efficient operation of the highway network for all road users.

- **How local authority elected members intend to ensure their officers take account of public concerns in developing and implementing enforcement policies and what enforcement tools they would use.**

Policy is approved by the Cabinet and officers, who draft the policy, are accountable for ensuring compliance. Any review of policy is overseen by the appropriate Cabinet member and Select Committee; this approach would incorporate any public concerns that may have been highlighted through consultation, or the City Council's 'Have Your Say' scheme.

I trust the above is of assistance and helps towards determining any decision to be made regarding implementation, or otherwise, of the relevant powers.

Best Wishes

Yours sincerely

COUNCILLOR JOE ANDERSON
Leader
Liverpool City Council



**MANCHESTER
CITY COUNCIL**

Sir Richard Leese
Leader of the Council
Labour Member Representing the Crumpsall Ward

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26 January 2011

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Dear [REDACTED]

Implementation of Part 6 of the Traffic Management Act 2004 (TMA) – Remaining powers for local authorities to enforce Bus Lanes and certain moving traffic matters (egg yellow box junctions)

Further to the recent letter dated 15th December from Norman Baker MP, addressed to Councillor Sir Richard Leese, which sought the views of Manchester City Council as to whether the powers referred to above should be enacted.

I can confirm that Manchester City Council is in support of implementation of the remaining powers contained in the TMA and I set out below evidence to support how we would utilise these additional powers.

How local authorities will ensure these enforcement activities are carried out in a way that is fair and proportionate, targeted on the most selfish and disruptive behaviours:

Manchester has a proven track record of delivering both Parking and Bus Lane enforcement in a reasonable and equitable manner, since the Council adopted Decriminalised Enforcement in 1999 and Bus Lane Enforcement in 2005.

The Council have an excellent reputation when utilising enforcement powers and were instrumental in assisting the Government in setting out the regulations relating to the Traffic Management Act, when the Authority was consulted by the House of Commons, Transport Committee on Parking Policy and Enforcement, published on the 14 June 2006.

Cont/...

This same approach to enforcement would be adopted, by Manchester City Council, should the Government consider additional powers relating to certain moving traffic matters as set out in Part 6 in the Traffic Management Act 2004.

Manchester is at the heart of the Greater Manchester City Region - a large and complex urban area that is the strongest economic area in the North of the country. Manchester's City Centre is the primary economic driver and the key North West Regional Centre attracting significant commuter journeys from neighbouring authorities and across the north, creating strong daily traffic flows into the centre.

Our aim is to make driving and parking as trouble-free as possible for all road users. We recognise the need to prioritise enforcement in areas where the requirement is greatest to maintain traffic flows and reduce danger to all road users. To deliver this key transport function we are committed to delivering reasonable and proportionate enforcement services.

We see the additional implementation of the remaining powers as integral to our ability to deliver fair and consistent enforcement, which would supplement our current Parking and Bus Lane services and dispense with the current situation which requires Greater Manchester Police resources to enforce moving contraventions, thereby 'freeing' these resources to be more effectively deployed.

There is real potential for significant growth in jobs throughout Manchester over the next decade and this could generate a 30% increase in journeys into the city centre.

Manchester City Council has a significant challenge to continue to manage the current scale of traffic movements on key corridors into Manchester, through implementing capacity improvements, more intelligent traffic management systems and targeted enforcement action to keep routes free and moving.

Sections of Manchester's highway network, particularly the major arterial and radial routes that connect the key employment locations to the labour market form part of a defined Greater Manchester Strategic Route Network. Data tells us which routes experience unreliability and delays. As the Highways Authority we are best positioned to understand the network conditions and performance issues and have the relationship with road users to enable us to respond. The wider objectives set out in the LTP3 gives a broader perspective to Traffic Management than currently held by the Police Authorities.

Making the best use of our existing network during at times of constrained funding makes targeted and responsible enforcement of moving traffic offences even more important.

Ensuring that bus journeys times are reducing when compared to car journeys will be important to attracting car drivers to switch to bus. We must ensure that bus priority measures are not undermined by congested junctions and journey time unreliability.

Specifically in relation to the city centre and the current/proposed expansion of the MetroLink Tram network, will require an even greater emphasis on the free flow of traffic resulting from the rerouting of the network. The enforcement of box junctions and U Turns in particular would give us the opportunity to manage congestion more effectively especially around Key junctions.

It is also worth noting that by enforcing certain moving traffic offences it will assist in reinforcing other contraventions ie Bus Lanes, where the Council would be able to demonstrate that where motorists may state that they were unaware that they were in a bus lane, that in fact they had also contravened a restricted access or banned turn, earlier in their journey. In these instances we would only ever apply one contravention that being the most appropriate.

The enforcement of moving traffic offences would also assist us at certain locations where traffic restrictions are regularly flouted by a minority of Hackney carriage drivers and other taxi drivers. It is hoped this might change driver behaviour removing the need for resource intensive joint police/licensing operations. Where there is repeated flouting of moving traffic offences by taxi drivers this could then be raised at the appropriate licensing panel/sub committee of the council.

How local authorities intend to communicate their enforcement plans and policies to road users – both local road users and visitors:

Manchester is committed to an open dialogue with all road users and Manchester residents and will utilise all available resources to ensure that effective communication is undertaken.

In addition to the statutory requirements to advertise any new enforcement services and traffic orders in the local media, we would also inform road users via consultation, and by using both traditional and electronic communication methods, to ensure we reach both local road users and visitors to our City.

We currently publish our Parking Policy, on the Manchester City Council web site, and major changes such as the implementation of certain moving traffic matters, defined in Part 6 would be made available here and would be published as part of our Annual Report.

In addition to this we are able to communicate with all Manchester residents via forums such as Ward Coordination, where local members are consulted and informed of any proposals/changes.

We would also pursue a proactive media strategy explaining why we needed to enforce moving offences and that any enforcement would be aimed at selfish drivers and not the majority who obey the rules. In relation to taxi drivers we would publicise any change in their journal prior to beginning any enforcement.

What priority local authorities intend to give to the enforcement activities enabled by these proposals:

The most problematic locations in relation to safety public transport and the free flow of traffic, based on evaluation criteria, to be defined, will be identified. Once the locations have been agreed, enforcement would be focused on a reasonable and proportionate basis, ensuring a fair and equitable deployment of resources

The Greater Manchester Strategy (GMS) and Third Local Transport Plan have placed a priority on developing a transport system, to best support economic growth, social

well being, environmental improvement and better public health across Greater Manchester.

Improving the performance of the highway network will be essential to delivering the aims of GMS and the LTP to accommodate growth in travel demand that will result from the improving economic performance of the Greater Manchester City Region. There are a number of priorities that are relevant to effective highways management.

LTP3 Priority: Efficiency and reliability of current network

LTP3 Priority: Access to freight to key economic centres

LTP3 Priority: Effective management of travel demand to minimise carbon emissions

LTP3 Priority: Reduced harmful emissions and noise from road transport

LTP3 Priority: Improving operating conditions for buses

Our key partners, such as the Greater Manchester Passenger Transport Executive, bus operators, Greater Manchester Police, businesses and Manchester residents will be consulted to comment on the proposals and key principles, which would include:

To enforce moving traffic offences, such as yellow box junctions:

- To improve road safety
- To improve efficiency and reliability of key routes for worker, customers and suppliers to significant centres of economic activity
- To improve the reliability of commuter journeys and reduce congestion and journey times by addressing incidents that block the highway and cause delays, particularly affecting bus services
- To keep the traffic moving to support objectives to improve air quality and reduce health problems associated with emissions
- To support improved access to local businesses, the city centre and other strategic employment locations

Furthermore analysis of vehicle speeds and a review of known congestion/ safety hotspots on Manchester's key routes will identify those locations to be enforced.

When these enforcement powers would be needed in order to support wider local transport plans, targets and policies – and to help authorities meet the requirements of the Network Management Duty introduced by the Traffic Management Act:

The strengthening of the Highways Authorities powers to enforce moving traffic offences will be a helpful policy tool to address the issues highlighted in the LTP3 document, particularly regarding addressing the unreliability of bus services, being affected by congested routes, delays to the movement of freight / employees and worsening air quality, all of which have associated financial or health costs.

Protocols are being designed to improve the management and performance of the road network coordination between the various authorities responsible for highways. The City Council anticipates that in support of the GM Strategic Network Management Strategy the enforcement of moving traffic offences is paramount on these key routes during peak periods.

Manchester already has the necessary infrastructure to deliver both parking and bus lane enforcement, utilising CCTV and therefore when powers are available to undertake moving traffic enforcement ie Box Junctions, that enforcement could commence with a minimum of delay.

How local authority elected members intend to ensure their officers take account of public concerns in developing and implementing enforcement policies and what enforcement tools they would use:

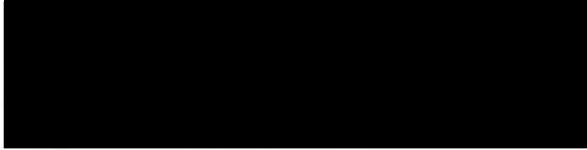
Any proposals to widen the enforcement remit of Officers, to undertake moving traffic enforcement as defined in Part 6 of the Traffic Management Act, will be considered by the Council's Executive

The Executive will expect before any enforcement is undertaken, that appropriate enforcement policies and tools, which take into account all relevant issues and are understood by the public, are developed and implemented to their satisfaction.

Any public concerns would be given due consideration as part of the consultation process. Consultation with elected members, the public, emergency services and all other interested partners would be undertaken at the earliest opportunity. Any traffic orders would be promoted in a reasonable and equitable manner, with detailed and fully designed schemes, which are completely fit for purpose.

To deliver enforcement Manchester would use approved enforcement cameras and employ appropriately trained staff. The current parking enforcement service already has the infrastructure to deliver enforcement using fixed and mobile authorised cameras.

Yours sincerely



Richard Leese

Our Ref: CM/DF/IH

Your Ref:

25 January 2011

[REDACTED]
Department for Transport
Zone 2/6 Great Minster House
76 Marshal Street
London
SW1P 4DR

Dear [REDACTED]

In response to the Parliamentary Under Secretary of State's letter dated 15 December 2010 regarding moving traffic contraventions under powers contained within the Traffic Management Act 2004, I can confirm that Newcastle City Council still wish to adopt these powers and would welcome the enactment of Part 6 of the Act as soon as practicable.

I can offer assurances that any enforcement will be both fair and proportionate and this would complement the Civil Parking Enforcement (CPE) operation in Newcastle. It is our intention to introduce enforcement in those locations where selfish and disruptive behaviours create access and congestion problems for other road users, particularly public transport, emergency services and freight vehicles. It is our full intention to liaise with key stakeholders to help develop priority sites across the city.

We would seek to prioritise enforcement where irresponsible and illegal driving contributes towards road safety problems for road users and pedestrians. We would also provide mobile enforcement to help address "hotspot" areas of local concern raised by residents and other members of the local community.

In terms of communication we would seek to deliver an extensive publicity campaign in a similar manner to CPE which included:

- "Glove box guides" (copy attached) and warning notices issued to all motorists parking incorrectly on the 2 week period leading up towards implementation. Over 20,000 guides were issued across the city to drivers and other community buildings.
- Bus stop adverts to inform road users and visitors.
- An extensive press campaign.
- Car parking advertising.

Where appropriate we will also work closely with neighbouring authorities to deliver joint working and extend communication channels across the region, such as regional meetings of Traffic Managers, to bring awareness of the legislation and transfer of enforcement powers.

This correspondence is available in audio, Braille or large print if required. Please contact the writer to arrange.

Subject to approval from the Secretary of State for Transport and your Department, it is hoped that the Council could introduce enforcement within 6-12 months of authorisation. Previous guidance has suggested that enforcement would be carried out via CCTV and therefore we would seek to introduce enforcement at priority sites with mobile enforcement for other hotspot locations. I enclose for your information a copy of a report that was approved at the Council's Executive meeting during February 2009 demonstrating our commitment to implementation and tackling key issues such as road safety and congestion. We would also welcome and encompass any alternative means of enforcement included within any future guidance.

I believe these enforcement powers are needed as a matter of urgency to support our Local Transport Plan and Network Management Duty policies and objectives. As per previous legislative changes we would work closely with the public to instil confidence and help address any concerns via a structured communication campaign. Similarly we will ensure that all policies are published and offer clear guidance for motorists.

I would therefore be grateful if you could provide me with your current position on this enactment and any indicative timescales for implementation. I would also like to take this opportunity to thank you for seeking the views of local authorities on these proposals.

Yours sincerely

Councillor David Faulkner
Leader of the Council

My Ref: T7S/CS/3757F
Your Ref: NB/029245/10
Contact: Jon Collins
Direct Line: 0115 8764265
Date: 27 January 2011



Nottingham
City Council

Councillor Jon Collins
Leader
Lexley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 915 5555

www.nottinghamcity.gov.uk

[REDACTED]
Zone 2/6 Great Minister House
76 Marsham Street
London
SW1P 4DR

Dear Mr Baker

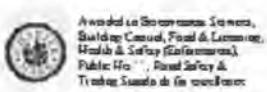
Implementation of Part 6 of the Traffic Management Act 2004 (TMA) – Remaining powers for local authorities to enforce bus lanes and certain moving traffic matters (e.g. yellow box junctions)

I refer to your recent correspondence dated the 15th December 2010, concerning the above matter and I have to say that I am delighted that you have sought my views on this.

Nottingham has always been proud of its transport infrastructure and the investment that we have made over the years to create a sustainable highway network. The Authority recognises there are very challenging times ahead and transport plays an instrumental role in leading the City to recovery following the effects of the recession and tightening budgets. Not continuing to invest in our transport networks would present us with major consequences where people and businesses are restricted by poor travel opportunities and lowered aspirations. Crucial to this, we consider, is the ability to enforce restrictions, to do so in a reasonable and balanced way. If the remaining powers were enacted I can assure you that this Authority would use them.

Their use would be in a fair and proportionate way, we would prioritise on safety and accident grounds as well as those areas that have an impact upon the free flow of traffic, including the movement of public transport. Nottingham City Council has for a number of years been carrying out bus lane enforcement on our bus lanes and gates and also in support of the Tram, Nottingham Express Transit. Specifically enforcement has been carried out on the tram only gate, which runs through Nottingham Trent University and the conflict between unauthorised vehicles and the students was highlighted very early on as an area of concern.

Furthermore, we have been quick to take up the powers of dropped kerb enforcement to target the selfish behaviour of drivers parking across dropped kerbs giving back the priority to pedestrians, cyclists and those with mobility issues. Whilst at the same time ensuring that for residents own dropped kerbs driveways that we are able to react to their specific needs when requested.



As a local authority we are clear that communication is key to engendering a culture of compliance that it is important for users to understand why enforcement action is carried out. With dropped kerb enforcement the Nottingham Arrow, circulated to all properties within the City boundary carried an article on the powers that we were going to be using (see attached).

Before we carried out Bus lane enforcement a strong publicity campaign was carried out with the local press and media, including the circulation of the leaflet "it's a Fine Line", clearly setting out how we were going to be enforcing bus lanes. We also sent out warning tickets for 8 weeks prior to issuing the penalty charge notices, to those motorists caught in the bus lanes. This again was to engender a culture of compliance; it was not the intention of the Authority to start enforcing the bus lanes straight away, even though the bus lanes had all been in for a number of years. With regards to new bus lanes, enforcement is not carried immediately; there is a period when warning notices are issued to contravening vehicles.

Furthermore, there is the bus lane website

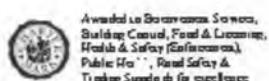
<http://www.nottinghamcity.gov.uk/index.aspx?articleid=2052>

where crucial information is provided to citizens, ensuring that the process of enforcement is as open as possible. This we would continue and expand to incorporate moving offences when the powers were made available.

As mentioned earlier we would prioritise strategic enforcement in terms of safety, accident record and to facilitate movement of traffic including Public Transport. Also as part of Big Society, we would react to local enforcement requests made by the community through community feedback; evidence provided through local ward forums and Beat Manager meetings run by the local Police. These all feed back to where local priorities require our attention and we have a number of reoccurring locations already involving motorists ignoring banned and prescribed turns. This supports our strategic Neighbourhood Nottingham priority to transform neighbourhoods.

Nottingham in support of its wider Local Transport policies, has introduced a number of schemes already, whose success depends upon driver compliance with the restrictions. Nottingham's Clear Zone, prohibits all non essential traffic from the area around out 2 most important shopping areas, Victoria Centre and Broadmarsh and incorporating streets around the Old Market Square. It provides a cleaner, more attractive, vehicular free environment where pedestrians have priority, but relies upon vehicles complying with Motor Vehicle Prohibited signs. Clearly, we have locations already where motorists are violating the current restrictions and the Authority clearly understands that the limited Police resources cannot always be targeted towards these areas.

The Local Transport Plan is the principal policy and investment tool through which the planning, management and delivery of transport improvements take place. Nottingham's LTP is very much a local Plan – it has been developed with a view to achieving wider health, socio-economic and environmental benefits to local citizens and enterprise. Maintaining our current transport assets, the role of transport in supporting the Network Management Duty, a catalyst for neighbourhood transformation, enabling enterprise and providing and enhancing the sustainable transport system are core themes of this strategy. The enforcement of moving traffic offences is essential to supporting this.



Clearly there is a role for Councillors in supporting Officers in carrying out this enforcement and through the Council's well established Parking Policy Group, attended by both Councillors and Officers; policies for both parking and bus lane enforcement have been agreed. This is the forum for where public concerns are communicated and used in developing and implementing enforcement policies. Furthermore the Portfolio Holder for Transport and Area Working has delegated powers in respect to Traffic Orders and works closely with Officers in developing effective and efficient enforcement policies and tools.

Finally, in applying enforcement tools to the highway we would be looking to our manned and unmanned network of cameras that have been so successful in enforcing bus lanes, the use of our mobile CCTV car and the use of physical deterrents, automatic bollards, would also be available in our toolkit to provide robust information.

Nottingham actively welcomes this opportunity, and would be enthusiastic to use these new powers in order to further improve our integrated transport network, and improve safety within our City. If you require any further information on this matter, please do not hesitate to get in touch with myself or you can contact Caroline Stylianou, Service Manager – Traffic & Safety, who will be happy to help.

Again thank you for seeking my views on this matter.

[REDACTED]

Councillor Jon Collins
Leader - Nottingham City Council

[REDACTED]

Councillor Jane Urquhart
Portfolio Holder for Transport & Area Working

Once upon a time Lucy and Ben were off to meet their friend Jim . . .



From 11 January 2011 Nottingham City Council will issue £70 fines* to anyone caught blocking a dropped crossing in Nottingham. Vehicles could also be towed away.

*Reduced to £35 if paid early

If like Jim, someone blocks your drive or vehicle entrance, you'll be able to call: 0115 915 6655 for help.

To make sure you don't risk a £70 fine or have your car towed away find out the parking rules on dropped crossings:

www.mynottingham.gov.uk/droppedcrossings

it's a **FINE LINE**

Driving in bus lanes is illegal

Leave the bus lanes
to buses or risk
a £60 fine



Bus lane enforcement

From the 1st September Nottingham City Council will be enforcing the laws relating to bus lanes.

Cameras will be used to detect drivers using bus lanes illegally and a £60 fine will be issued to those that break the law.



Who does it affect?

- Anyone who makes illegal use of bus lanes to gain advantage over queuing traffic.
- There are no exceptions, the law applies to cars, motorbikes, scooters and licensed taxis.

Why enforce bus lanes?

Drivers who use bus lanes illegally obstruct the free flow of buses and delay bus passengers. The benefits of bus lane enforcement are that it:

- Increases bus reliability
- Improves bus passenger journey times
- Encourages use of public transport

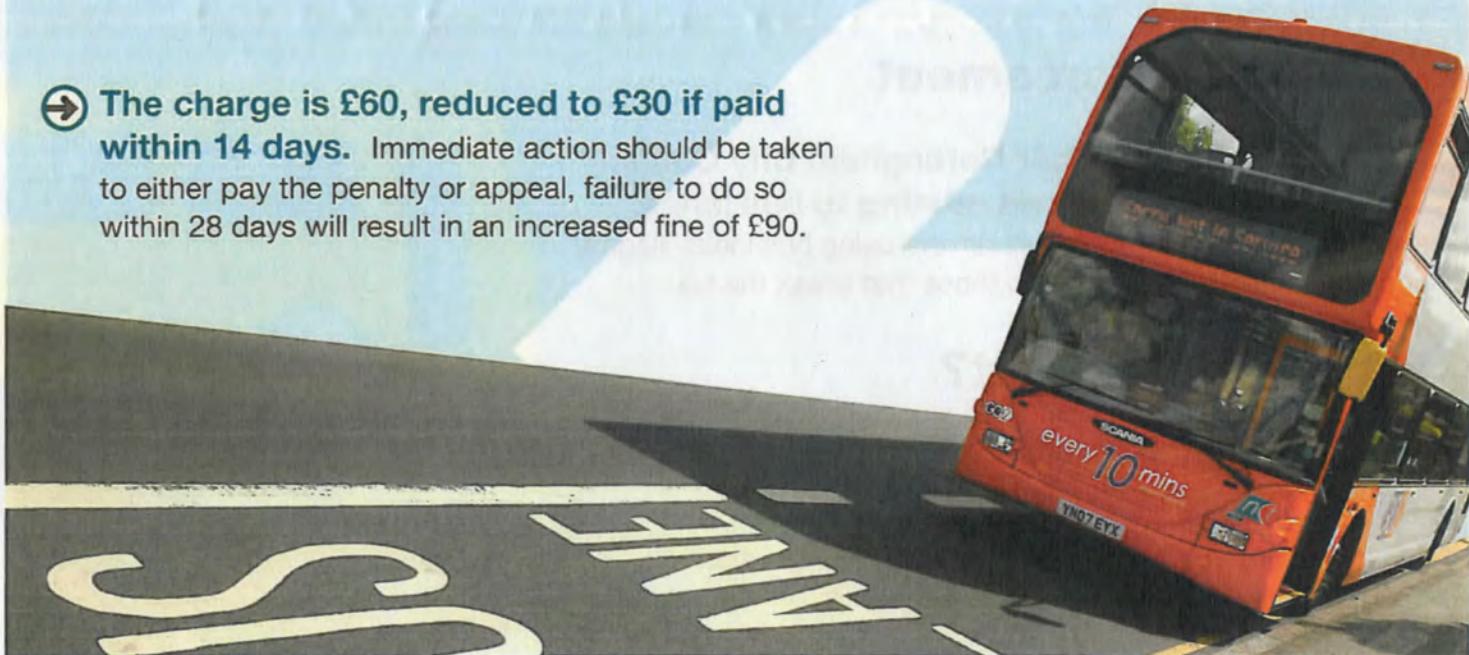
This supports an ongoing commitment by Nottingham City Council to increase the use of public transport and reduce traffic pollution.



How does bus lane enforcement work?

- ➔ Nottingham City Council has invested in pioneering new CCTV technology that records traffic flow in bus lanes around the city.
- ➔ These images are sent to a control room where trained officers will carefully scan the data and judge - on a case by case basis - if a driver is acting illegally.
- ➔ Vehicles that have made illegal use of a bus lane or tramway to gain advantage over queuing traffic will be identified through their registration number.
- ➔ The registered keeper of the vehicle will then receive a Penalty Charge Notice through the post from Nottingham City Council.

➔ **The charge is £60, reduced to £30 if paid within 14 days.** Immediate action should be taken to either pay the penalty or appeal, failure to do so within 28 days will result in an increased fine of £90.



How can I avoid a bus lane Penalty Charge Notice?

Pay attention to road signs and markings, these will clearly indicate the start and end of bus lanes and highlight the hours of operation.

Remember

**it's a
FINE LINE**

Leave the bus lanes to buses or risk a £60 fine

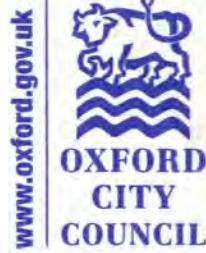
For further Information please refer to the website:

www.buslanes.info



Leader of the Council
Councillor Bob Price
Oxford City Council
Tel: 01865 252354
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E-mail: cllrbprice@oxford.gov.uk

Town Hall
St. Aldate's
Oxford OX1 1BX
Central Number: 01865 249811



[REDACTED]
Department of Transport
Zone2/6
Great Minster House
76 Marsham street
London
SW1P 4DR

Date 7 January 2011
Your ref NB/029245/10

My ref.
Ask for
Telephone
e-mail

[REDACTED]@dft.gsi.gov.uk

Dear [REDACTED]

Implementation of Part 6 of the Traffic Management Act 2004: Government consultation

I am replying to the letter dated 15 December 2010 from Norman Baker seeking my authority's views on whether the remaining powers in Part 6 of the TMA 04 should be enacted.

Oxford City Council is not the local Highway Authority. That responsibility falls to Oxfordshire County Council. So I can confirm that the City Council will not be using the enforcement powers that your letter refers to. Nevertheless, if and when the powers are implemented and the County Council seeks to use them, I am sure the City Council would support such action.

I hope this information is helpful.

Yours sincerely,

[REDACTED]
Councillor Bob Price
Leader, Oxford City Council



Zone 2/6
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Plymouth City Council
The Council House
Plymouth PL1 2AA

T 01752 304240
E kevin.wigens@plymouth.gov.uk
www.plymouth.gov.uk

This letter is from an individual councillor and is not written on behalf of Plymouth City Council

Date 9th February 2011

My Ref

Your Ref

Dear [REDACTED]

LETTER FROM NORMAN BAKER MP CONCERNING FURTHER POWERS UNDER PART 6 OF TMA2004 (MOVING TRAFFIC AND BUS LANES)

I refer to the above letter dated 15th December 2010 received by the Leader of the Council, Councillor Vivien Pengelly, on 21st December 2010. She has now passed the letter to me as the Cabinet Member responsible for transport and asked that I provide you with a response.

The City of Plymouth would welcome the introduction of these new powers and have a real need for them to tackle issues that are increasing in certain areas. Plymouth City centre is mostly pedestrianised and we encounter many problems with unauthorised vehicles entering this (pedestrianised) area. This unauthorised access resulted in a fatality where a pedestrian was struck by a reversing vehicle and as a result the Council is in the process of introducing a new Traffic Regulation Order (TRO) covering the city centre that will require all vehicles that enter to be in possession of a permit. Officers have stated that our enforcement of such a TRO would be extremely difficult using conventional methods and, possibly not very effective, as under the current legislation it could only be carried out by Civil Enforcement Officers patrolling on foot and using existing parking contraventions. If we had the extended powers we would be able to control this area far more effectively with CCTV cameras.

In Mr. Baker's letter he asks for clarification of certain points that would support the Council's need for these powers and provide more information on how we would use them if they were rolled out by the Department. I will deal with these points below.

- Fair and proportionate enforcement targeted on the most selfish and disruptive behaviours - Currently our main area of concern is the city centre and the availability of these powers would allow us to ensure that only authorised vehicles enter this zone thereby reducing the hazards encountered by pedestrians. We feel that the widespread abuse of the zone that has built up over many years requires effective enforcement so that we are able to regain control of the city centre and reduce the number of vehicles that enter thereby increasing the safety of pedestrians.
- Communication of enforcement plans and policies to road users – We are in the fortunate position to have recently recruited an officer into our parking team who managed the project team

who piloted the introduction of enforcement against moving traffic contraventions for the London Borough of Camden. He brings a wealth of experience and knowledge to the City Council on how this was achieved and how Camden formulated their communications plan prior to the introduction of the new powers. If the powers were granted we would ensure that an effective plan is produced and that internal and external stakeholders were included in the team that delivered that plan. With regard to informing the public we would ensure that press releases were supplied via our press office from an early stage and at regular intervals in order to ensure that the message was distributed widely in an attempt to reach the maximum audience. Plymouth does provide a variable message sign system with boards prominently displayed on all the main routes into the city and we would display a message on all display signs for a period both before and after the introduction to inform any visitors that Plymouth held and exercised these powers.

- Priorities – Currently our highest priority is the City Centre permit zone but we do have other areas where the powers would be invaluable (outlined below)
 - Banned turns – we currently have a major programme of gas main replacement works being carried out by Wales and West in some areas of the city. This often requires temporary diversions and other traffic management measures involving banned turns. Currently we have no powers to enforce these measures
 - Buses only – There are a number of “bus gates” around the city that are currently abused by private vehicles avoiding congested areas
 - Yellow box junctions – Plymouth is currently mid way through a major road development programme at the eastern gateway to the city. As expected these works have caused some temporary disruption and extra congestion to this area. This disruption and congestion is exacerbated by motorists abusing the yellow box junctions that are marked in this area.
- When the powers are needed – It is the view of both elected members and officers that the need for these powers is both urgent and immediate to deal with problems that are being experienced now. The program of major water main works plus the East End improvements are placing major pressures on the city's road network that these powers would assist us in dealing with.
- Officers taking account of public concerns – As mentioned above we have an officer who was involved in the project when the powers were adopted by London boroughs. We are therefore aware of most of the concerns that will be expressed by the public when any announcement is made. It will be made completely clear that the objective of exercising these proposed powers is to increase the safety of all road users and to ensure the viability of the road network in and around the city. We recently introduced a new method of enforcement with a CCTV vehicle that we have used for the enforcement of school keep clear markings and of restricted bus stops. Generally the measure has been well received with extremely positive feedback received from bus operators on improvements to the frequency and efficiency of their services generated by the enforcement. Devon and Cornwall Police have also been supportive and commented that the camera car has changed driver behaviour and the widespread abuse of the city's pedestrianised area close to the Drake Circus shopping mall. The car has also generated a significant display of public support commenting on the improvement to road safety around our schools. However, as with anything new there has also been some concerns and opposition expressed by some sections of the community. The concerns and opposition has been handled effectively and in a timely fashion by officers in the wider transport team and elected members have been kept fully briefed on the situation as it has progressed. As the Cabinet member with responsibility for this area I receive regular briefings from officers on progress and any specific cases that they may have dealt with.

I would like to take this opportunity to add a further parking contravention to the list that we would welcome powers to enforce and that is footway and verge parking. I receive many reports, from both officers and the public, of the increasing incidence of vehicles being parked on the footway and grass verges. This causes damage to the footways and Plymouth City Council has been required to pay many hundreds of thousands of pounds out in recent years in respect of claims made for trips and injuries received as a result of this damage. There is also evidence that vehicles parking on footways are causing damage to underground services and utilities. Parking on grass verges is also

on the increase and we are seeing deep wheel ruts and damage to verges that detracts from the well kept and verdant image that we wish to project to both residents and visitors to the city. The interim measures that we have put in place in an attempt to control this have not proved to be particularly effective and the costs of these works and the compensation claims that we are required to pay could be avoided.

Currently the police have the powers to enforce obstruction of the pavements but it is extremely low on their list of priorities and the powers to enforce this contravention are only afforded to local authorities in London. We would welcome the opportunity to tackle this inconsiderate and damaging parking practice and reduce the drain on our budgets required to carry out repairs to damaged footway and to settle resulting compensation claims.

I hope that the above has demonstrated our desire to take on these new powers and our commitment to improving the road safety and integrity of the network within the boundaries of the City of Plymouth. I feel that the granting of the above powers would greatly enhance our effectiveness in achieving these aims. It would also provide us with a valuable tool in delivering effective and efficient enforcement that will achieve our aims of obtaining compliance with traffic and parking regulations and support the work of our parking service in delivering this compliance.

Yours sincerely

[REDACTED]
Councillor Kevin Wigens
Cabinet Member for Transport

Amar Dave
Director of Environment, Culture
and Sport

Civic Centre, Reading, RG1 7AE.
0118 937 3737

Fax: 0118 937 2557

Zone 2/6
Great Minster House
76 Marsham Street
LONDON SW1P 4DR

Our Ref: TMA 240111
Your Ref:

Direct: **0118 - 937 2069**
e-mail: ruth.leuillette@reading.gov.uk

24th January 2011

Your contact is: Ruth Leuillette - Transport Planning

Dear [REDACTED]

Consultation response: Implementation of Part 6 of the Traffic Management Act 2004 (TMA) - Remaining powers for local authorities to enforce bus lanes and certain moving traffic matters (e.g. yellow box junctions)

I refer to the recent letter from Norman Baker, MP regarding enactment of the above powers and I welcome the opportunity to put forward the Council's views. The Council has carefully considered this matter and I set out below responses to the points raised.

- How local authorities will ensure these enforcement activities are carried out in a way that is fair and proportionate, and targeted on the most selfish and disruptive behaviours;*

In order to ensure that the activities are fair and proportionate, we already have in place policies that support this and have tested those policies in relation to our Special Parking Area and Bus Lane Enforcement function both of which have been in place for a number of years.

Our forthcoming LTP3 takes forward our existing policy and states, *inter alia* that our Network Management policy is "To continue to review and assess new opportunities (legislative, technical and operation) and innovative technologies that may improve the network management function to ensure efficient use of assets".

Any further enforcement that is forthcoming from implementation of Part 6 of the Traffic Management Act 2004 would be based upon Reading Borough Council's existing enforcement capabilities which already includes decriminalised parking and civil



enforcement of bus lanes. These already take account of the need to be fair and proportionate.

In terms of targeting the most selfish and disruptive behaviours, it is anticipated that enforcement of moving traffic offences that have the most severe impact on the reliability and resilience of the operation of the network would be considered.

Examples of this include:

- Enforcement of yellow box junctions that have a two fold consideration 1) in relation to public transport services (affecting the operators ability to comply with the Traffic Commissioners' requirements relating to punctuality); and 2) the general disruption to the safe and efficient operation of the network caused by inconsiderate blocking of junctions by motorists.
- Enforcement of the universally accepted and recognised 'no entry' signs that cause community groups to complain about drivers for example driving the wrong way down one way streets.
- Enforcement of banned turns (right or left) that endanger other users (especially pedestrians) of the highway network, in particular those that have been raised consistently by community groups, such as Resident Associations or Neighbourhood Action Groups (NAGs) etc.

2. How local authorities intend to communicate their enforcement plans and policies to road users - both local road users and visitors;

Reading Borough Council would communicate plans to enforce in a similar way to how the authority promoted the implementation of civil enforcement of bus lanes. This included temporary information signs on street, media releases and information available on our website.

Enforcement plans would also aim to tie in with any national DfT led announcements where possible. In addition, Council officers and Members would make known the introduction of enforcement activities for moving traffic offences at appropriate forums and public meetings, including business forums and those with other stakeholders.

With regard to communicating policies, the full Local Transport Plan (LTP) (and in due course the replacement LTP3) is available at public libraries and on the Council's website and these contain our policies for people to view.

As a final stage prior to 'go live' of enforcement activities, we would also consider issuing 'shadow' enforcement notices i.e. warning letters so that motorists have the opportunity to amend their behaviour without incurring a charge. However, we would emphasise that enforcement of these restrictions referred to (in part 4, schedule 7 of the TMA) for example 'no entry' signs shouldn't require a warning period, as they are universally recognisable.

3. What priority local authorities intend to give to the enforcement activities enabled by these proposals;

Having already established the take up of Special Parking Area in October 2000 and bus lane enforcement from September 2006, Reading Borough Council has substantial experience and knowledge of decriminalised enforcement.

We would intend to give the enforcement a high priority, as it fits within our established Network Management policies and we have been awaiting the implementation of Part 6 of the TMA in order to be able to progress this.

We are in the position of being able to utilise our existing back office function (as established for bus lane contraventions) for these additional enforcement activities and are therefore ready to take up these powers once the Statutory Instrument is made.

As many of these traffic restrictions are locally promoted orders by the highway authority and are in place to help us manage all demands of road use they are necessary to that management function, however we, as the local highway authority, are currently not able to enforce said orders until implementation of Part 6 of the TMA. The Police already have other pressures and demands on their time so it is a natural progression that highway authorities have the ability to enforce as set out in the legislation.

4. When these enforcement powers would be needed in order to support wider local transport plans, targets and policies - and to help authorities meet the requirements of the network Management Duty introduced by the Traffic managements Act;

In Reading Borough Council's view these enforcement powers are needed as soon as possible in order to enable further significant benefits to improving the reliability of public transport services that currently experience delays for example where yellow box junctions are blocked by inconsiderate motorists and safety in one way street where drivers persistently ignore no-entry signs. There are clearly wider benefits to the overall efficient operation of the highways network for all users, by the enforcement of these contraventions, in order to maintain flow of all vehicles and safety, in particular at peak times.

In view of our forthcoming LTP3, there are a wider range of transport proposals from active modes to freight distribution and with regard to the latter we are considering the introduction of a Low Emission Zone for central Reading (for goods vehicles >3.5t) and this would require associated traffic management measures. Camera ANPR enforcement of weight restrictions for example would be beneficial in order to ensure that appropriate freight routes were adhered to and the use of the powers within Part 6 of the TMA would facilitate freight management strategies being consistently enforced by all local authorities. This clearly enables local authorities to meet the requirements of the Network Management Duty.

5. How local authority members intend to ensure their officers take account of public concerns in developing and implementing enforcements policies and what enforcement tools they would use.

Local authority members chair a number of committees and forums that present reports and proposals for transport and traffic schemes to the public and regularly seek their views on these proposals. In addition to Reading Borough Council's Full Council and Cabinet meetings that take key decisions, there are two additional forums that are specifically in place to deal with public opinion on traffic and transport issues and these are Transport Users Forum and the Traffic Management Advisory Panel. The terms of reference for both of these are attached.

I hope this information is helpful and will assist in the decision to bring the enactment of the enforcement powers under Part 6 of the Traffic Management Act 2004 forward as soon as possible. Please let me know if you require any further clarification or information. I look forward to hearing your decision on taking this process forward.

Yours sincerely,



Cllr Andrew Cumpsty
Leader of the Council

Norman Baker MP
C/o [REDACTED]
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**Councillor John Merry CBE
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My Ref JM/JF/SA
Your Ref

Date: 31st January 2011

Dear Minister

Implementation of Part 6 of the Traffic Management Act 2004 (TMA) - Remaining Powers for local authorities to enforce bus lanes and certain moving traffic matters

I refer to your letter dated 15th December 2010 regarding the above.

Salford City Council, who are the local highway authority, would support the enactment of Part 6 of the TMA referred to above. The City Council recognises the potential benefits to traffic management, and the reduction of congestion, that the enactment of these powers might bring to traffic in Salford and Greater Manchester. However, we do not believe that the adoption of the powers should be mandatory, simply that they should be available to highway authorities as an extension of their existing decriminalised regime, on an "opt in" basis.

We do not intend to use these powers in the near future, however whilst the City Council currently undertakes decriminalised parking enforcement of parking matters, we do not currently have the resources to undertake enforcement of moving traffic offences, and in any event such enforcement might be looked at more widely (and consistently) for the future in Greater Manchester under the aegis of the Combined Authority and Transport for Greater Manchester. This would offer consistency of enforcement, which motorists would I am sure welcome, and allow the resources required for the scheme (staff and administration) to be shared effectively. AGMA and the Combined Authority would of course need to take a view on this on behalf of the 10 Greater Manchester districts.

Yours sincerely

**Councillor John Merry CBE
Leader, Salford City Council**

From the office of the Leader of the Council



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Our reference: tjh/ia/l/baker

Date: 31st January, 2011

Councillor Ian Auckland

**Cabinet Member for
Business, Transport & Skills**

Councillor for Graves Park Ward

Town Hall
SHEFFIELD
S1 2HH

Mr. Norman Baker M.P.
Department for Transport
Great Minister House
76 Marsham Street
London
SW1P 4DR

Dear Mr Baker

**Implementation of Part 6 of the Traffic Management Act 2004 (TMA) –
Remaining powers for local authorities to enforce bus lanes and certain
moving traffic matters (e.g. yellow box junctions)**

Thank you for your letter dated 15th December 2010 seeking Councillor Paul Scriven's views on the above matter. Paul is currently on annual leave, therefore I am responding on his behalf as Cabinet Member for Transport.

Sheffield has developed a programme of enforcement of bus lanes and bus/tram gates over recent years. This was originally triggered by the Sheffield Bus Agreement and parallel discussions with local bus and tram operators. The initial aim of this enforcement was to address particular 'hot spot' locations where abuse and contraventions of restrictions was causing significant disruption to buses and trams, and subsequent wider congestion of the highway network. To date camera enforcement has been introduced in Hillsborough, The Wicker and Glossop Road. An additional site on the Granville Road gyratory has recently been activated as part of associated highway improvements in this area. However, with concerns of being anti-motorist/car (as with parking contravention powers - see below), a more extensive camera enforcement programme has been resisted. Nevertheless, there are still a number of sites across Sheffield which would benefit from camera enforcement, where abuse and contraventions continue to occur. To achieve this wider programme we would need additional funding to implement, as well as more staff resources to administer.

Having powers of enforcement of Moving Traffic Contraventions (MTC) could be helpful to Sheffield City Council. Such powers would complete the package of traffic regulatory enforcement powers given to Local Authorities. We are already empowered to enforce bus lanes and bus/tram gates by camera (2005 Bus Lane Contravention legislation), and also parking contraventions (although we do not yet use these powers in Sheffield). There is a desire to enforce traffic restrictions in Sheffield in a fair and proportioned way, having regard to any special circumstances, whilst being fair to the observant and law abiding majority.

We would want to be able to use MTC powers to enforce restrictions at box junctions and banned turns in particular. Abuse has been increasing at these locations with these types of restrictions. Unfortunately, current enforcement undertaken by the Police is a low priority over their other duties. Banned turns are frequently used to protect pedestrian crossing movements, so there are road safety reasons for the need to enforce these. Blocking of yellow box junctions can be classified as anti-social behaviour, and consequently disrupts traffic flows at often busy and key junctions, which can cause wider problems across the network at peak times. We would enforce these types of restrictions in the same way that we already do at bus/tram gates, using cameras, and would be carried out by the same staff, using established procedures.

Our main concern is of a practical nature, relating to the signing and lining requirements to ensure all the restrictions are legal, up-to-date, and can be enforced without challenge from the Parking Adjudicator. Since starting enforcement of bus lanes and bus/tram gates we have seen Adjudicators taking a very strong line about providing adequate signage of restrictions, including advance signage. Typically these have exceeded DfT requirements as specified in the Traffic Signs Manual TSRGD 2002. In instances where we have not met the Adjudicators expectations regarding signing, PCNs issued, which were considered reasonable and legally correct, have been overturned. Clearly, there is a cost in getting any signs and lines up to these standards. We are very supportive of Eric Pickle's call to tackle street clutter and are mindful of erecting more and more signs to undertake enforcement. There must be a sensible balance between advising the motorist of camera enforcement, of legal signing and the impact on the environment of additional signs and poles.

Using South Yorkshire Congestion Reward Funding, a vehicle equipped to undertake mobile parking enforcement is to be purchased by Barnsley Council. The practicality and overall benefit of such a system will be tested and shared with the three other South Yorkshire Districts. The level of enforcement resources at present does not make it possible to patrol all these locations. Sheffield would be interested to see how this mobile system works outside schools, where inconsiderate parking is common and generates a lot of local concern from the public, parents and elected Members. However, how and where the presence of a temporary facility is advertised/communicated to road users and signed raises similar concerns, balancing the DfT requirements and Adjudicator's expectations to ensure the signs and lines are correct and legally enforceable, whilst avoiding unnecessary signage and street clutter.

Therefore, the practicality of enforcing MTCs is a potential concern, and whilst we would want to meet the DfT requirements and Adjudicator's expectations with

regard to appropriate signing and lining, we also want to avoid unnecessary signage and a cluttered street scene.

On balance, Sheffield views the addition of these powers as being very helpful in maintaining capacities on the highway network, but would add a note of caution in how they are applied.

Yours sincerely

**Councillor Ian Auckland
Cabinet Member for Business, Transport and Skills**

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SW1P 4DR

14 January 2011

Dear [REDACTED]

Re Implementation of Part 6 of the Traffic Management Act 2004 (TMA) – Remaining powers for local authorities to enforce bus lanes and certain moving traffic matters.

We have recently received a letter dated 7th January 2011, from the Parliamentary Under-Secretary of State for Transport addressed to the Leader of Southampton City Council, Royston Smith, concerning the above. I have been asked to respond to the main points in the letter.

Southampton City Council is currently commissioning a feasibility study which will incorporate a strategy and business case for the possible introduction of bus lane enforcement only at this time.

The study will include the following criteria;

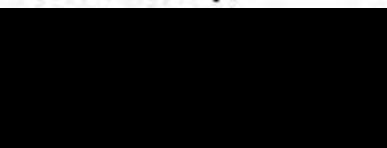
- Anecdotal evidence from stakeholders including local bus companies regarding the most problematical routes where inconsiderate parking and unauthorised use of bus lanes is causing localised congestion and traffic flow impacts on bus journeys.
- Survey information of existing bus lanes to ascertain the current level of mis-use.
- A communication plan for stakeholders, local motorists and visitors to the city.
- Viability and justification for any proposed scheme, with the priority level for the scheme being set by local transport planning groups.
- A timescale for implementation (if decided upon) based on the Local Transport Plan and any relevant targets included in the Plan.

- A code of practise will be part of any development of enforcement policy, and a full consultation process will be undertaken with the public.
- Implementation costs including installing Home Office approved devices and systems, changes to local Traffic Orders, cost of communication and lining and signing costs.

At this stage no firm decision has been made about bus lane enforcement prior to receiving the feasibility study. Any decision will be made by the Cabinet in place at the time the study report is published, and formal application will be submitted to DfT if the outcome is to go ahead with implementation.

Finally, with regard to the enforcement of other applicable moving traffic offences, this would be something that Southampton City Council may wish to consider at a later date.

Yours sincerely,



Ken Byng
City Parking and Patrol Manager

cc Cllr Royston Smith
Cllr Matthew Dean
Mick Bishop
Nick Johnson
Frank Baxter