

Executive Board – 17th October 2023

Subject:	Acceptance of the Department for Transport (DfT) Moving Traffic Enforcement (MTE) Powers
Corporate Director(s)/Director(s):	Sajeeda Rose, Corporate Director for Growth and City Development Paul Seddon, Director of Planning and Transport
Portfolio Holder(s):	Councillor Angela Kandola, Portfolio Holder for Highways, Transport and Planning
Report author and contact details:	Mark Jenkins, Head of Traffic & Flood Risk Management – mark.jenkins@nottinghamcity.gov.uk Ext 65036
Other colleagues who have provided input:	Sue Thorpe, Service Manager, Technical Services & Systems, Mark Lethbridge, Technical Lead, Moving Traffic Enforcement (MTE) & Systems, Vendie Charles, Contracts & Commercial Solicitor and Paul Rogers - Commercial Finance Business Partner (G&CD).
Subject to call-in:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Key Decision:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Criteria for Key Decision:	
(a)	<input type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £750,000 or more taking account of the overall impact of the decision
and/or	
(b)	Significant impact on communities living or working in two or more wards in the City <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Type of expenditure:	<input type="checkbox"/> Revenue <input type="checkbox"/> Capital If Capital, provide the date considered by Capital Board Date: Neither – There is no expenditure involved with this decision
Total value of the decision:	
Wards affected:	All
Date of consultation with Portfolio Holder(s):	Councillor Angela Kandola 31 st August 2023 <i>Previous PFH consultations 6th April 2023(Cllr A Wynter) 13th April 2022 (Cllr R Healy)</i>
Relevant Council Plan Key Outcome:	
Green, Clean and Connected Communities	<input type="checkbox"/>
Keeping Nottingham Working	<input type="checkbox"/>
Carbon Neutral by 2028	<input type="checkbox"/>
Safer Nottingham	<input type="checkbox"/>
Child-Friendly Nottingham	<input type="checkbox"/>
Living Well in our Communities	<input type="checkbox"/>
Keeping Nottingham Moving	<input checked="" type="checkbox"/>
Improve the City Centre	<input type="checkbox"/>
Better Housing	<input type="checkbox"/>
Serving People Well	<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):	
<p>The Department of Transport (DfT) have extended Moving Traffic Enforcement powers to local authorities by fully implementing Part 6 of the Traffic Management Act (TMA) 2004.</p> <p>Nottingham City Council (NCC) applied for these additional powers in February 2023 and were granted the formal Designation Order (to use these powers) in July 2023.</p> <p>This report is to seek formal approval to accept these additional powers.</p> <p>The potential benefits include better management the highway network, reduced congestion /</p>	

pollution and improved road safety.

Does this report contain any information that is exempt from publication?

No

Recommendation(s):

1. To accept the MTE additional powers granted under Part 6 of the TMA 2004.

1. Reasons for recommendations

- 1.1 Accepting additional powers will support the effective management of the highway network.
- 1.2 The government's decision to fully implement Part 6 of the TMA 2004 will now allow councils outside of London and Cardiff to enforce further moving traffic restrictions via Automatic Number Plate Recognition (ANPR) Cameras. These are moving traffic restrictions that are already prohibited but Drivers continue to flout (i.e. banned Right or Left turn, illegal U turns, travelling the wrong way on One Way Streets, and incorrect vehicle movements through Yellow box junctions, Prohibition of Driving, Pedestrian Zones or No Entry's restrictions).
- 1.3 Accepting additional powers will assist in the efficient running of a live highway network and compliment Local Transport Strategies and Plans including access to good, reliable public transport.
- 1.4 NCC already enforces Bus Lanes under the TMA 2004, and the Traffic & Flood Risk Management service area already has this expertise in-house, therefore additional enforcement capacity will easily be integrated into the current system.
- 1.5 By accepting the powers NCC as the Highway Authority can better manage areas where engineering measures have been exhausted and safety is compromised.
- 1.6 This report is to confirm and have the adoption of the powers accepted and to highlight that a Moving Traffic Policy will outline NCC's process for MTE along with an Equality Impact Assessment (EIA) to support proceeding with the implementation.

2. Background (including outcomes of consultation)

- 2.1 Part of the DfT's application process for these additional MTE powers was to formally consult with the Nottinghamshire Police Chief Constable. The Chief

Constable confirmed approval of our application in writing to the DfT on the 10th February 2023.

- 2.2 NCC carried out a 6 weeklong consultation with the general public where we had 345 responses, 73% confirmed taking the new powers was a good idea, 21% did not think it was a good idea and 6% were unsure.

3. Other options considered in making recommendations

- 3.1 To not apply for the new powers – This option was not considered. By not adopting the new powers, NCC would be unable to enforce on-street moving traffic restrictions. Drivers may continue to contravene these restrictions and put all other road users at risk.

4. Consideration of Risk

- 4.1 There are no risks, powers already granted by the DfT

5. Best Value Considerations, including consideration of Make or Buy where appropriate

- 5.1 Best Value is demonstrated by a continual review of service provision, benchmarking performance and service costs against other local authorities and the commercial market. We have found significant efficiency gains by the “Doing It With Others” (DIWO) approach. NCC has worked in partnership with Leicester City Council (LCC) for many years benefitting from this arrangement through economies of scale and shared expertise. NCC enforce for LCC who have also been granted MTE powers. NCC receive an income for carrying out this service on behalf of LCC.

6. Finance colleague comments (including implications and value for money/VAT)

- 6.1 The Commercial Finance Business Partner for Growth & City Development (G&CD) has stated the decision to accept DfT Moving Traffic Powers, has no direct financial Implication.
- 6.2 Any new costs arising from the acceptance of powers, outside of the standard operating budget for the service will require a new decision creating, and the relevant regulations adhered to.

7. Legal colleague comments

- 7.1 A Senior Contracts & Commercial Solicitor provided the following comments on 16th August 2023.
- In the legal consideration, there appear to be no significant legal concerns arising from the proposal, provided that the Council complies with all legal requirements in the implementation and delivery process.
 - The Council is reminded that in implementing this proposal that it should comply with all statutory and regulatory requirements, and that it adheres to Public Law principles in respect to the Consultation, and the implementation of Part 6 of the TMA 2004.

- In the proposal, there appear to be no TUPE of staff implications from Nottingham Police to the Council, who enforce traffic restrictions contraventions.
- The police were consulted and supports the proposal that such traffic restriction enforcement should now be done by the council.

8. Other relevant comments

8.1 Colleagues working in the below teams are not required to comment on the application process:

- Procurement
- Strategic Assets and Property
- HR
- IT

9. Crime and Disorder Implications (If Applicable)

- 9.1 Being able to enforce moving traffic restrictions, NCC will be able to influence and change driver behaviour. This will create a safer environment for all road users.
- 9.2 If any location camera captures criminal activity, the process for the data sharing of information under GDPR will be followed by both NCC and Nottinghamshire Police.

10. Social value considerations (If Applicable)

- 10.1 Being able to enforce areas where high non driver compliance against restrictions is prevalent may provide a better sense of road safety to the surrounding communities.

11. Regard to the NHS Constitution (If Applicable)

N/A

12. Equality Impact Assessment (EIA)

- 12.1 Has the equality impact of the proposals in this report been assessed?

No

Yes

Attached as Appendix 1, and due regard will be given to any implications identified in it.

13. Data Protection Impact Assessment (DPIA)

- 13.1 Has the data protection impact of the proposals in this report been assessed?

No

Yes

Attached as Appendix 2, and due regard will be given to any implications identified in it.

14. Carbon Impact Assessment (CIA)

14.1 Has the carbon impact of the proposals in this report been assessed?

No

A CIA will be considered, and if needed, will be published in conjunction with our newly written MTE policy

Yes

15. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

N/A

16. Published documents referred to in this report

16.1 EIA