

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

5139

Author:

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Department:

Growth and City Development

Contact:

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Subject:

3 Year Moving Traffic Enforcement (MTE) Programme of Highway Investment

Total Value:

£600,000 over 3 years - £200,000 per Annum (Type: Nil)

Decision Being Taken:

Following the Executive Board approval in October 2023 to utilise and enact the use of the Department for Transport (DfT) Moving Traffic Enforcement Powers, this decision relates to approving a 3 year Moving Traffic Enforcement programme of investment that will enable the purchase of supporting ANPR infrastructure which is required as part of utilising and implementing the powers at the proposed sites agreed as part of the approval. The infrastructure will support highway safety which is a key component of the new powers. All expenditure will be funded from surplus Moving Traffic Enforcement ring fenced income.

To note that Spend approval will be sought from the spend control board once the application through the supplementary procedures for ring fenced income has been accepted.

Reasons for the Decision(s)

The use of surplus income from parking charges and penalty charges is governed by section 55 of the Road Traffic Regulation Act 1984. Once the need for provision of operational facilities have been met, the use of any surplus is confined to the provision of road improvements or public transport services.

This type of revenue cannot be forecasted against but can exceed its expectations. The use of any surplus is ringfenced under legislation. Any request or project that requires funding from MTE surplus must be correctly identified as such under a robust and clear governance process that not only demonstrates best value but also falls within legislation. A 3-year programme of investment would allow a clear application process to be followed with an auditable evidence trail and spend approval would be sought from the spend control board prior to any project commencement .

Applications for MTE highway improvements that meet the ringfenced criterion would be categorised into four main groups: Safety, Capacity, Accessibility and Amenity. Four sites were highlighted in the application for additional moving powers and once approval is agreed we will work with Procurement to establish a purchasing programme of new ANPR units and software that provides Best Value to the authority in the long term.

Briefing notes documents:

Acceptance of the Department for Transport Moving Traffic Enforcement Powers.pdf, Minutes from Exec Board October 2023.pdf, MTE Supplementary Procedures - Surplus Income - DLT Updated.pdf, Moving Traffic Enforcement Guidelines and Practice Final Draft.pdf

Other Options Considered:

To not establish a process for MTE - This option was not considered as the legislation is clear regarding the use of surplus income from MTE on-street ANPR devices

Background Papers:

Published Works:	Exec board Minutes & Acceptance of Powers
Affected Wards:	Citywide
Colleague / Councillor Interests:	
Consultations:	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	N/A
Equality:	Please login to the system to view the EIA document: EIA MTE Final.docx
Social Value Considerations:	To be dealt with by Traffic and Procurement when the time comes to procure additional equipment for the already established ANPR Enforcement System.
Decision Type:	Portfolio Holder
Subject to Call In:	Yes
Call In Expiry date:	02/07/2024
Advice Sought:	Legal, Finance, Procurement, Equality and Diversity
Commissioner Comments:	Commissioners note the report and have no comments.
Legal Advice:	<p>Subject to the funding being confirmed as surplus derived from bus lane contraventions and/or moving traffic contraventions, and subject to the ongoing compliance with the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022, in particular regulation 31 in the use of surpluses, this report presents no significant legal concerns.</p> <p>In establishing a purchasing programme of new ANPR units, the Council must continue to comply with its constitution and relevant regulations.</p> <p>In identifying the sites for the new ANPR units, if this is prescribed in the Council's policy, the Council must continue to adhere to that policy in its decision-making.</p> <p>Advice provided by Anthony Heath (Senior Solicitor) on 12/02/2024.</p>

Finance Advice:

This decision requires the approval to spend £600k over a period of 3 financial years. There is a permanent annual budget to allow for this spend which is reported in a ring fenced account for the Bus Lane Enforcement which also forms part of the Special Parking Account. There is currently a reserve balance of £2.093m in the Moving Traffic Enforcement ring fenced reserve.as As closedown is complete, a transfer to reserve of £932,368 has been agreed in principal. This is the surplus income above expenditure for 23/24. This will bring the Moving Traffic Reserve to £3,026,175. It is a regular occurrence for income to cover eligible costs in year. However, as this is eligible revenue spend to administer the enforcement of the bus lanes, if ever in an over spend position was to occur, the legislation states that funds can be drawn down from the ring fenced reserve for this purpose. Therefore I see there will be no negative impacts to the MTFP for at least the next 3 financial years. Advice provided by Michelle Pullen (Commercial Business Partner) on 22/05/2024.

Procurement Advice:

This request poses no procurement risks or considerations at this stage. Once the programme of ANPR requirements has been determined, all necessary procurement and contract procedure rules must be adhered to. Advice provided by Holly Fisher (Lead Procurement Officer (Products)) on 23/04/2024.

Equality and Diversity Advice:

The EIA has been reviewed and there are no impacts to any of the protected characteristics. I am therefore happy to sign off. Advice provided by Rosey Donovan (Equality and Employability Consultant) on 15/05/2024.

Signatures

Neghat Khan (Leader / Exec member, Strategic Regeneration)
SIGNED and Dated: 25/06/2024
Sajeeda Rose (Corporate Director of Growth & City Development)
SIGNED and Dated: 24/06/2024