



## Report to Policy Committee

**Author/Lead Officer of Report:** Matthew Reynolds, Transport Planning and Infrastructure Manager

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**Report of:** Kate Martin, Executive Director of City Futures

**Report to:** Transport Regeneration and Climate Committee

**Date of Decision:** 19 January 2023

**Subject:** Traffic Management Act Part 6 – Application to the Department for Transport to enforce Moving Traffic Offences

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? 1315				
Has appropriate consultation taken place?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

### Purpose of Report:

Earlier this year and following a change in the law, the Department for Transport (DfT) confirmed that Local Highway Authorities in England and Wales have the opportunity to apply for a Designation Order to undertake enforcement in respect of Moving Traffic contraventions in their areas.

This means traffic enforcement cameras could be used to enable the Council to enforce a variety of existing traffic restrictions on Sheffield's roads, to help improve safety and reduce congestion. These restrictions were previously only enforceable by the police and include driving through a 'No Entry' sign, turning left or right when instructed not to do so i.e., banned turns, entering yellow box junctions when the exit is not clear, and driving where and when motor vehicles are prohibited. The use of enforcement powers could also be a key tool in the development of our new transport strategies and implications of schemes, aimed at improving infrastructure for buses, cycles and pedestrians, aligned to current Department for Transport policy.

This report sets out the background, benefits and issues associated with moving traffic enforcement. It also summarises the consultation process, which received a total of 596 public comments, including the reporting of objections and the respective response.

This report concludes with a recommendation that Sheffield City Council applies to the Department for Transport for a Designation Order, following the process set out in statutory guidance, so as to enable moving traffic enforcement.

### **Recommendations:**

It is recommended that the Transport, Regeneration and Climate Committee:

1. Consider the objections received in response to the public consultation in respect of the restrictions (Appendix A) and the sites at which they are proposed to be enforced (detailed in Appendix B) and decide that, in light of those objections, the Council is to apply to the Department of Transport under Schedule 8 of the Traffic Management Act 2004 to request that a Designation Order be made in respect of the entirety of the Sheffield City Council civil enforcement area.
2. Following the making of the Designation Order, approve the commencement of enforcement in respect of those moving traffic offences so as to improve safety and tackle congestion.
3. Note that further public consultation in accordance with the relevant statutory guidance must be carried out before moving traffic enforcement can be implemented in respect of further locations/restrictions which are outside of those detailed in Appendix B.
4. Where further sites are proposed for enforcement of moving traffic offences, authorise the Head of Strategic Transport, Sustainability and Infrastructure to commence consultation on those proposals in accordance with the relevant statutory guidance and, where no objections are received in response, proceed with implementation.

### **Background Papers:**

[Traffic Management Act 2004 \(legislation.gov.uk\)](http://legislation.gov.uk)  
[Traffic Management Act 2004: statutory guidance for local authorities outside London on civil enforcement of bus lane and moving traffic contraventions - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

<b>Appendix A:</b>	Traffic Signs that the Government has agreed to Implement
<b>Appendix B:</b>	Traffic Management Act Submission: Evidence Report
<b>Appendix C:</b>	Consultation Summary Report
<b>Appendix D:</b>	Letters of Support
<b>Appendix E:</b>	Application Submission
<b>Appendix F:</b>	Civil Parking Enforcement Authorities Tranche 2 Letter

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: Kerry Darlow, received by email. 24/11/22
		Legal: Richard Cannon, Received by email, 1/12/22
		Equalities & Consultation: Ed Sexton, received by email.23/11/22
		Climate: Jessica Rick, received by email.23/11/22
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	<b>EMT member who approved submission:</b>	<i>Kate Martin Executive Director of City Futures</i>
3	<b>Committee Chair consulted:</b>	<i>Councillor Julie Grocutt, Deputy Leader of the Council and Co-Chair Transport, Regeneration and Climate Policy Committee  Councillor Mazher Iqbal, Co-Chair Transport, Regeneration and Climate Policy Committee</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	<b>Lead Officer Name:</b> Matthew Reynolds	<b>Job Title:</b> Transport Planning and Infrastructure Manager
	<b>Date: 10 January 2023</b>	

# 1. PROPOSAL

## Background

- 1.1. The Traffic Management Act 2004 ('the 2004 Act') introduced civil enforcement of traffic offences in England and Wales. When it was originally made, it contained provisions under Part 6 to enable Local Highway Authorities outside of London to use approved camera devices to enforce moving traffic contraventions, such as:
  - driving through a 'No Entry' sign
  - turning left or right when instructed not to do so i.e., banned turns
  - entering yellow box junctions when the exit is not clear
  - driving where and when motor vehicles are prohibited
- 1.2. However, these provisions were not available for use when the 2004 Act originally commenced as their use is dependent upon the Secretary of State making a Designation Order enabling the local authority to carry out enforcement in their area. The power to apply for said order was not brought into effect when the 2004 Act originally commenced.
- 1.3. In 2020, the Department for Transport (DfT) announced that the Secretary of State would be fully enacting these outstanding elements of the 2004 Act so as to enable the Council to apply for a Designation Order and enforce moving traffic contraventions. The enabling legislation came into force in May 2022, allowing Sheffield City Council, following an expression of interest, the opportunity to apply for a Designation Order enabling it to exercise the enforcement powers to help make Sheffield's roads safer and more reliable. It should be noted that other Local Highway Authorities have been successful in their application for these orders.
- 1.4. Although the civil enforcement powers most commonly used by the Council at present relate to parking contraventions, the Council does also already carry out camera enforcement of bus, taxi and tram gates, school keep clear markings and bus stop clearways. Enforcement of these restrictions has proved successful in managing the safety and congestion of the highway network over several years. However, obtaining additional powers to enable enforcement moving traffic contraventions will ultimately allow the Council to have more control over the enforcement of additional illegal maneuverers taking place on the highway, to further help the Council's ambition to improve road safety and congestion.
- 1.5. The legal process requires the Council to make an application to the Secretary of State for Transport under Part 2 of Schedule 8 of the Traffic Management Act 2004. Prior to formally applying for the powers, the Council is required to carry out a public consultation to seek views, including a list of potential sites where the powers would be applied in the first instance.

- 1.6. It is recognised that any regime for traffic law enforcement should be part of an integrated road safety policy as these have been shown to lead to rapid reductions in deaths and injuries when applying best practice.

#### Application Process

- 1.7. In order to allow Local Highway Authorities outside London to enforce the moving traffic contraventions detailed in Part 6 of the 2004 Act, the Secretary of State will pass new legislation through Parliament in the form of a Designation Order. The Designation Order enables the Council to carry out enforcement of moving traffic contraventions within the area so designated. This is likely to happen between March and June 2023. Statutory guidance about the application process for Local Highway Authorities has been published by the DfT and requires that applicants should have:
- a) Consulted the appropriate Chief Officer of Police.
  - b) Carried out a minimum 6 week public consultation on the detail of planned civil enforcement of moving traffic contraventions (rather than whether people agree with the principle of moving traffic enforcement), including the types of restrictions to be enforced and the location(s) in question. This is intended to communicate the rationale for, and benefits of, moving traffic enforcement to residents and businesses, and allow them the opportunity to raise any concerns. There is no requirement for newspaper advertising. Local authorities should consider the full range of media available to them when communicating with the public. They should consider telling every household in the CEA when they propose changes - for example, to the operation of a scheme.
  - c) Considered all objections raised and has taken such steps the council considers reasonable to resolve any disputes.
  - d) Carried out effective public communication and engagement as the council considers appropriate, for example using local press and social media, and that this will continue up to the start of enforcement and for a reasonable period thereafter.
  - e) Ensured all moving traffic restrictions to be enforced will be underpinned by accurate TROs, where applicable, and indicated by lawful traffic signs and road markings.
  - f) Ensured all the relevant equipment has been certified by the Vehicle Certification Agency (VCA) specifically for moving traffic contraventions.

- g) As part of ensuring that TROs and traffic signs are accurate and lawful, applicant local authorities are encouraged to take the opportunity to identify and remove any signs that are either obsolete or no longer necessary, whether or not relating directly to the restriction being enforced.
- 1.8. It is only possible for the Council to submit its application when it has completed the steps outlined above. The DfT has confirmed that the Council's application would only need to relate to the sites where it initially proposes to place enforcement cameras (see next section) however the Council intends to apply for a Designation Order which will cover the entirety of its civil enforcement area for parking contraventions, making the two areas identical. The DfT will review the Council's application and, if approved, will make a Designation Order for that area.
- 1.9. Once the Designation Order has been made, it will be possible to install additional enforcement cameras and commence enforcement without further reference to the DfT subject to the Council following steps a) to g) above for each location, including the minimum 6 week public consultation. This will be due to the Designation Order already covering the location of any new cameras/enforcement.

#### Practical Implementation

- 1.10. Sheffield City Council is planning to use these powers to improve safety and tackle congestion by enforcing moving traffic offences. The first step is to apply to the Department for Transport to be included in the list of authorities that can enforce key traffic restrictions or prohibitions.
- 1.11. The DfT's guidance has been based on experience from other areas, such as London authorities and Cardiff City Council, and it is expected to operate in a similar way to bus lane and bus/tram gate camera enforcement already taking place in Sheffield.
- 1.12. There are a wide range of offences that could be enforced under these powers (as shown in Appendix A), and potential locations could be anywhere on the highway network within the City (excluding motorways, trunk roads and private roads). In practice, only the video evidence provided by a type-approved camera (i.e. static or mobile in a vehicle) will be sufficient for enforcement purposes.
- 1.13. This will provide several environmental and safety benefits, including:
- Improved safety for all highway users, supporting modal shift to sustainable transport options
  - Reduced network congestion
  - Improved journey times for public transport and emergency service vehicles
  - Improved air quality, reduction in transport related emissions contributing to carbon net zero targets

- Increased safety and cleaner air around schools – camera enforced school streets schemes are proven to have positive effect
  - Reallocation and saving of Police time
- 1.14. In all circumstances, traffic cameras would only be used to enforce existing or new highway restrictions (and only those listed in Annex 1) on the highway that were backed up by a Traffic Regulation Order (TRO) where required. It should be noted the new enforcement powers do not include most parking offences or pavement parking.
- 1.15. The DfT have so far set out guidelines in the form of statutory guidance that local authorities should follow when deciding where to use traffic enforcement cameras. Key requirements include:
- A survey of the existing road layout particularly road signs and markings to determine if they are visible or potentially confusing to motorists. This should also determine whether the restriction can be readily adhered to.
  - A determination of compliance levels observed or recorded at the location. This could come from several sources including accident data, police records or surveys. It would not be necessary or cost effective to install a potentially expensive camera in a location if compliance levels were already generally good.
  - A minimum six-week public consultation about the placement and use of each proposed enforcement camera will also be required in advance. This could also pick up feedback and observations from the public/highway users about traffic behaviour at the location and might indicate alternative solutions would be preferable.
- 1.16. It is proposed that the Council take a pragmatic approach to the use of these powers, ensuring an evidence-based approach to location selection. At locations where it is considered that contraventions could be avoided by reasonable improvements to the highway or to traffic signing, we will seek to make those improvements in the first instance.
- 1.17. When an enforcement camera is installed, camera warning signs would also be placed alongside the regulatory restriction signing to improve compliance. Publicity and awareness campaigns will also be planned to suit the circumstances of the situation
- 1.18. This public engagement is intended to communicate the rationale for, and benefits of, moving traffic enforcement to residents and businesses to promote understanding, acceptance and compliance.
- 1.19. In addition, the DfT have stipulated that warning notices should be sent for a period of six months from the installation of a camera, when motorists commit an offence for the first time. Subsequent offences by the same vehicle/keeper would receive a Penalty Charge Notice (PCN).

- 1.20. All camera equipment will need to be type-approved and comply with standards set by the Vehicle Certification Agency and use Automatic Number Plate Recognition (ANPR) to identify the vehicle owner. There will also be some practical limitations with their placement, particularly in rural areas because of the need for a mains power supply.

Site Selection

- 1.21. An officer working group has been established to evaluate the Council's priorities for the deployment of traffic enforcement cameras. Members of the group cover a range of areas including road safety, network management, transport planning and parking services. The group will be expanded to include officers from the South Yorkshire Mayoral Combined Authority.
- 1.22. The primary reason for carrying out camera enforcement is for road safety and network management, commensurate with discharging the duties on a discretionary manner. As a result, the locations being proposed have been prioritised on the basis of South Yorkshire Police recorded Personal Injury Accident record (i.e. the number of recorded collisions at a site that have resulted in an injury). Specifically, this relates to the incident causation factors 301 (Disobeyed automatic traffic signal) and 305 (Illegal turn or direction of travel) which have been interrogated by the Council's Road Safety Team. We have also used historical reports of poor compliance with the traffic rules, and in relation to network management where there is existing or potential traffic congestion and delays, including delay to public transport provision.
- 1.23. At first, it is proposed that the Council use the powers at the following sites, further details on each site are detailed in Appendix B:

Site	Location	What will be enforced
1	Queens Road and Bramall Lane	Illegal turning movements Yellow box junction – no stopping
2	Glossop Road and Upper Hanover Street	Illegal turning movements Yellow box junction – no stopping
3	Hoyle Street	Yellow box junction – no stopping

- 1.24. The proposal to enforce at the above sites will only apply to existing restrictions. There will be no new restrictions proposed, therefore the enforcement will only be capturing contraventions which are currently not permitted but also incapable of being subject to enforcement by the Council. All the Traffic Regulation Orders, lining and signage has been investigated to ensure compliance and lawful enforcement.



- 1.25. In terms of the public engagement campaign, the guidance stated that this must involve as a minimum a six week engagement period to collect comments. This consultation has been carried out in respect of the sites mentioned in paragraph 1.23 and included in Appendix B. The full details of the consultation are described in section 3 of this report (below). The consultation included the use of Local Authority web pages, social media and press releases to help publicise the work – it ran from November 11<sup>th</sup> 2022 for 7 weeks and concluded on December 31<sup>st</sup> 2022.
- 1.26. Subject to a successful application to the DfT in January 2023, and approval, the Council will then be able to evaluate further sites following the process set out above. These would be put forward from a range of sources as described above, and the Council's policy on Moving Traffic Enforcement will develop over the coming year and beyond as experience grows.

#### Future Implementation

- 1.27. The application to the DfT will state the Council's intention to enforce all types of moving traffic contraventions described under part 6 of the 2004 Act. These are outlined in Appendix A. The Council will not, however, commence enforcement in respect of any locations outside of those depicted in Appendix B pursuant to the decisions recommended in this report.
- 1.28. The longer-term opportunity is that, if the Council is successful in drawing down the powers and can prove that they are being implemented in accordance with the details of the Designation Order, the Council as Highway Authority will have the power to enforce these moving traffic offences across the city (i.e. in locations other than those depicted in Appendix B, subject to the requirements in respect consultation etc, at paragraph 1.7). This will help significantly with the planning of future schemes knowing that camera enforcement can help reinforce the physical interventions.
- 1.29. It is anticipated that the carrying out of enforcement of moving traffic contraventions will be frequently requested at locations across the city, from both Elected Members and members of the public. To support the measured and correct implementation of the Council's enforcement powers, there must be a robust decision-making process in place. This will ensure that each site is chosen on its merits, specifically in relation to how it will improve safety and congestion if traffic contraventions are enforced by camera. The Transport Planning and Infrastructure Team will develop a process for site assessment and implementation which covers assessing contravention levels to determine if it is a concern and if there are potential risks to vulnerable road users through the analysis of road safety accident data. The underlying Traffic Regulation Order will also need to be correct and a demonstration of how 'non-camera' measures have been previously tested/considered.

### Submission

- 1.30. The deadline for submission of the Council's application to the DfT is 15th February 2023 (see Appendix F) with an estimate of summer 2023 for the issue of the Designation Order. The Council must have carried out a minimum of six-weeks public consultation on the planned civil enforcement of moving traffic contraventions, specifically on the type(s) of restriction to be enforced and the initial location(s) in question.
- 1.31. The public consultation started on 11<sup>th</sup> November and closed on 31<sup>st</sup> December 2022, amounting to a seven-week duration (one week more than the minimum six weeks specified in the statutory guidance).
- 1.32. As specified in the recommendations in this report and if approved with regard to the objections detailed in this report, the Transport, Regeneration and Climate Policy Committee may decide that the Council is to submit the application for the Designation Order.
- 1.33. See Section 3 for the details of the consultation response.

### Procurement of Cameras

- 1.34. It is proposed to deliver moving traffic enforcement with the assistance of a contractor who will supply, maintain and operate the majority of the enforcement functions. The Council will, however, need to set up a back office to deal with appeals and representations as well as other responsibilities set out in the statutory guidance.

### Next Steps

- 1.35. Subject to Committee agreement, officers will continue with the preparation to make an application to the DfT for moving traffic offence powers as set out above at the earliest opportunity. The draft is provided in Appendix E.
- 1.36. The Council's policy regarding moving traffic enforcement will be developed in line with the statutory guidance, to be published this year as well as feedback from Members.

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

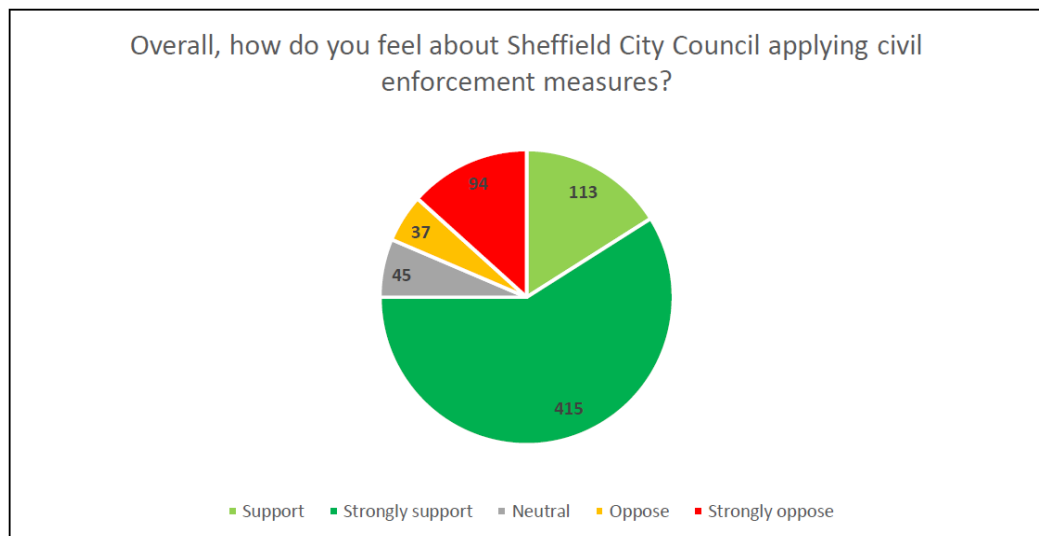
- 2.1. The moving traffic enforcement powers will play a role in helping the Council meet its network management duties. By enabling improved enforcement there will be consequential benefits to road safety, congestion, and air quality. Making the moving traffic enforcement powers available to local authorities nationally also creates parity with London.
- 2.2. Moving traffic restrictions can play a part in delivering a range of policy objectives. These include measures to reduce congestion, enable more walking and cycling, reduce rat-running, create more pleasant places to live and work in and improve road safety. Fair and appropriate enforcement of these restrictions is a key part of delivering the objectives of these schemes.
- 2.3. The Government recognises that local authorities are important partners in leading change, influencing journey patterns, and promoting more sustainable choices. Well-designed traffic management policies that are enforced effectively can play an important role in achieving change.
- 2.4. Implementing the moving traffic enforcement powers recognises the dual imperatives to improve air quality through reduced traffic congestion, and to encourage behavioural shift towards sustainable travel choices by keeping junctions and cycle lanes clear of obstructing vehicles to improve bus reliability and to promote cycling as part of Government's and the Council's broader policy to further promote active travel choices and make roads safer.

### **3. HAS THERE BEEN ANY CONSULTATION?**

- 3.1. The Transport, Regeneration and Climate Committee has already been consulted on the principle of the application and have been updated on the site selection process. It was agreed at a briefing session to continue the development of the submission evidence and initiate consultation via the Connecting Sheffield website.
- 3.2. A seven-week consultation period with local press coverage has been undertaken. The questions specifically ask around the moving traffic offences at the relevant junctions specified in Appendix B, so as to understand the public's views, including identifying any opposition and objection. This is now complete, with the consultation report attached in Appendix C.
- 3.3. Press releases, letters drops to local businesses and households, social media posts and a Connecting Sheffield mailshot has been used to publicise the consultation. The Connecting Sheffield website was used to host the questionnaire and supporting information, alongside paper surveys and a freephone completion service. There have been several resulting articles in the local press and coverage on local radio stations.
- 3.4. Local Ward members have been briefed regarding the proposals in their respective Wards, and no objection has been raised. This includes the following;
  - Glossop Road/Upper Hanover Street – City Ward and Broomhill and Sharrow Vale
  - Queens Road/Bramall Lane – City Ward, Gleadless Valley Ward and Nether Edge and Sharrow Ward
  - Hoyle Street – City Ward and Walkley Ward
- 3.5. Members of Parliament for Sheffield Central and Sheffield Heeley have been informed of the proposals and no objection has been raised.
- 3.6. As outlined in Section 1 of this report, the Department for Transport is expecting to see a series of consultation and engagement activities be undertaken. This includes specific consultation with the appropriate Chief Officer of the local constabulary, with a letter of support currently being drafted. They consider that from a road safety perspective, increased enforcement of offences should be beneficial and when supported by a credible process, could act as a further deterrent to poor driving behaviour.
- 3.7. In the future, South Yorkshire Police will be a key consultee in the identification and placement of enforcement cameras as well as in the communications and publicity arrangements associated with their use.

### *The Consultation Results*

- 3.8. The consultation was channelled through the Connecting Sheffield website. The questions specifically ask around the moving traffic offences at the junctions to understand any opposition and objection. This is documented in Appendix C.
- 3.9. A total of 596 people provided feedback to the consultation which opened on the 11 November 2022 and closed on the 31 December 2022. 571 responses were provided via a survey hosted on the Connecting Sheffield website. In addition to responses received via the online survey, the Council received 25 email responses that have been included in the feedback analysis. A Freephone information line (0808 196 5105) and Freepost address (Freepost Connecting SHF) were also available as means of responding to the consultation.
- 3.10. The online survey consisted of 10 questions for all respondents, six of which were closed questions, with the remaining four being open. It is worth noting that the survey allowed for any question to be left unanswered.
- 3.11. The following diagram shows the overall sentiment towards the proposals, taken from a total of 596 responses.



- 3.12. 528 (75%) of respondents stated that they 'Support' or 'Strongly support' Sheffield City Council's application for civil enforcement measures in respect of moving traffic contraventions. From the comments received, one of the main reasons for the support is that drivers generally do not like it when other motorists make manoeuvres that are prohibited or put people at risk. The use of cameras are considered to be a good way of enforcing against poor behaviour. Other reasons of support range from pedestrian and cyclist safety, to improving traffic flow.

- 3.13. On the contrary, 131 (19%) respondents expressed their negative sentiment towards the proposals stating that they either 'Oppose' or 'Strongly oppose' the proposals. A recurring concern is the worry around unintentionally/accidentally missing signs, therefore making banned turns and/or entering yellow boxes, and then getting fined without prior knowledge of the restriction. It should be considered that this is the case with any restriction and the correct signage will be in place prior to implementation, to ensure compliance with statutory guidance, the relevant regulations and so as to properly inform motorists of the existence of a restriction.
- 3.14. There are a high number of comments around the view that it is a police matter, not for the Council. This is correct in the current legislative framework and is the reason for the submission and draw down of powers.
- 3.15. There are comments regarding road signs to be improved and made clear. In response, this is being investigated at all locations to ensure compliance with enforcement standards. Additional comments were received regarding improvements to improving traffic light timings to allow more traffic to pass through junctions. One of the expected outcomes of the use of the powers insofar as they relate to junctions is that they can be made more efficient, as manoeuvring space is kept free from obstruction.
- 3.16. There a significant number of comments requesting that additional restrictions be enforced by camera, including a vast number of locations and streets, as well as the enforcement of other types of restrictions. The response to this is that although the first phase will be to focus on the specific locations outlined in Appendix B, the draw down of the powers covers future implementation for other restrictions and other locations. Although, camera enforcement will be reserved as a last resort and a considered, evidence-based approach will be applied to new locations.
- 3.17. The following table outlines the recurring and pertinent objections being raised, related to the general principle of obtaining the powers.

Objection	Response
<p>Other traffic movements to be included within the proposals for this location</p>	<p>The proposal for moving traffic enforcement at the locations specified in Appendix B has been established based on the accident data. The data has shown that the three locations identified are experiencing collisions or having network management implications. The specific manoeuvres intended to be enforced against are illegal and have been selected for the first tranche.</p> <p>Camera enforcement is not intended to be universally rolled out across the city without further consultation in respect of those locations. The proposal before the committee is that enforcement is carried out only for the specific locations specified in Appendix B. There is the opportunity to look at other movements in these locations in the future, should there be the evidence case to support it.</p>
<p>Enforcement of traffic violations should only be performed by the police.</p>	<p>The purpose of drawing down the powers are to enable civil enforcement, meaning that the Police and Local Authorities have the authority to enforce. The Council already carries out the civil enforcement of parking contraventions; the expansion of its powers to cover moving traffic contraventions represents greater opportunity for the Council to use its infrastructure for effective traffic management.</p>
<p>camera enforcement is a conflict of interest, as the council are making the rules and enforcing them.</p>	<p>The Council cannot create a restriction which may give rise to a moving traffic contravention without following the relevant legal process, which is subject to public notification and consultation. Further, there are stringent legal requirements for the enforcement of those restrictions, which cannot begin without consultation specifically on beginning enforcement. In addition, the Council's application for a Designation Order for the city is subject to the scrutiny of the Department for Transport, who must be satisfied that the requirements mentioned at paragraph 1.7 have been carried out.</p>

Objection	Response
enforcement must be 100% correct each time and that a user-friendly appeals process needs to be implemented	The Council aims to carry out moving traffic enforcement in a lawful, fair and proportionate way, with proper regard to its duties. An Appeals Process will be established to ensure a transparent and effective way to challenge a contravention – where the Council rejects a formal representation, the person making it will have the right to appeal to an independent adjudicator (via the Traffic Penalty Tribunal) for a final decision in a manner similar to that used for parking contraventions.
Does not approve of the policy of civil enforcement of legal statute	Parliament, as the supreme legal authority in the UK, has enabled Local Authorities to exercise powers so as to carry out civil enforcement through the making of the relevant legislation. The duties which the Council intends to fulfil through the use of moving traffic enforcement powers were also imposed upon it by legislation made by parliament. In other words, parliament has provided an additional tool to local authorities to assist with effective traffic management, which is itself pursuant to a duty already imposed on local authorities. If said enforcement is implemented, the Council will comply with all legal requirements to ensure its enforcement is lawful.
Measures will be used to raise revenue for the council.	Although some sites/locations may result in the Council receiving revenue, this is merely incidental to the enforcement and not the purpose for which it is proposed to be implemented. Further, where revenue is received, it is not anticipated to raise significant revenue beyond covering the costs of operation (i.e. be a surplus). If a surplus is received then, by law, it has to be spent for the purposes sets out in the Legal Implications section of this report.
Council should stop wasting money.	The purpose and justification of the scheme is improved road safety and will enhance the Council's ability to manage the transport network. The proposal is to enforce existing restrictions that have a known history of causing personal injury. As the Council has signed up to a Vision Zero approach to Road Safety, where one fatality is too many, this is not considered a waste of money.



Objection	Response
An excuse to profit from motorists	As above.
money saved by not implementing these schemes ensuring safer roads around schools or by subsidising buses.	Revenue generated by the proposals will be ringfenced, first meeting the costs associated with enforcement (including funding back office systems related to its administration and cross subsidising the ongoing enforcement of other sites where revenue is not received) or used on other activities as explained in the Legal Implications of this report.
the council have enough powers, and do not need more.	The response in respect of 'does not approve of the policy of civil enforcement of legal statute' is also applicable here. In addition, the Council also understands that there is pressure on local Police resources, therefore the opportunity to designate civil enforcement powers to Sheffield City Council can help with wider policing matters.

Objection	Response
<p>These civil enforcement powers will only serve to support and enforce the poorly implemented traffic control measures which the majority of the public and businesses oppose.</p>	<p>New restrictions are not being proposed and, where restrictions were created by way of traffic regulation order, consideration of the effectiveness of the 'traffic controls' will have previously been appraised under statutory processes which included public consultation when the orders were originally made.</p> <p>Any restriction may only have been created with the Council having regard to its duty to secure the expeditious, convenient and safe movement of all traffic, including pedestrians. The Council is not aware of any of its existing restrictions being successfully challenged on the basis of this duty not being discharged – if that were the case, the restrictions would not exist.</p> <p>The evidence available to the Council is demonstrating that vehicles are abusing the restrictions, thus creating a network management issue and safety risk. Ultimately, the restrictions are being enforced to mitigate against unlawful driver behaviour and make the roads safer.</p> <p>Lastly, the feedback from the consultation detailed in this report showed that 75% of respondents stated that they 'Support' or 'Strongly support' the Council's application for civil enforcement measures in respect of moving traffic contraventions</p>
<p>there will be increased pollution due to taxis having to travel along longer routes.</p>	<p>New restrictions are not being proposed. This would only be the case if the respondent is undertaking unlawful movements, to which these are not permitted.</p>
<p>ill-thought-out policy, discriminating against taxi drivers</p>	<p>As above.</p>
<p>Taxis in rush hour need to take right turns, it will benefit the passenger.</p>	<p>It is unclear where this comment refers to. The proposals being considered only restrict one right turn (Myrtle Road to Queens Road Northbound). This is an illegal manoeuvre under the current restrictions and is not proposed to change.</p>

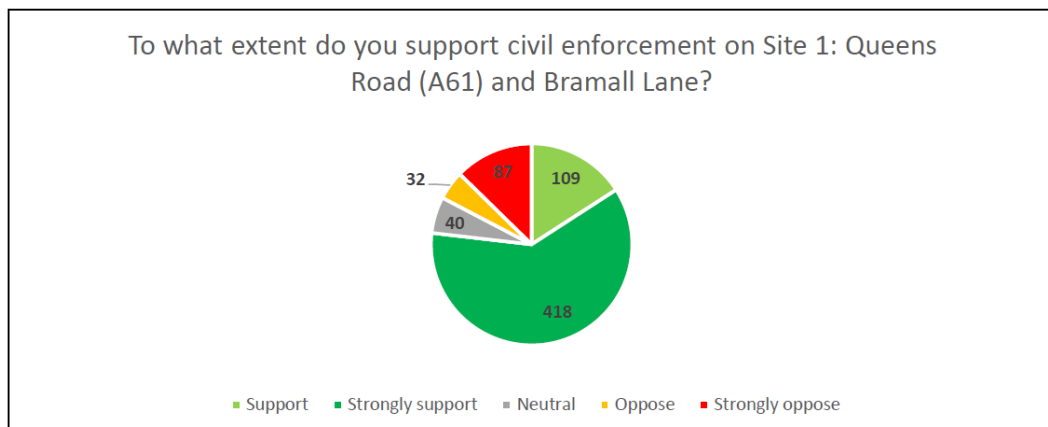
Objection	Response
only vehicles that deliberately block the yellow box junction should be issued a fine.	There will be an Appeals Process which will seek to identify where deliberate blocking is occurring. Just like other appeals processes where there might have been a third-party action which causes the obstruction, a review of this will be part of the appeal process.
traffic could appear to be moving freely, and then stops unexpectedly, causing vehicles to be stuck in the yellow box. In these instances, it would be unfair to issue fines.	As above.
electronic measures can distinguish between legal and illegal entries into box junctions. One commented that the Highway Code states: "You may enter the box and wait when you want to turn right and are only stopped from doing so by oncoming traffic, or by other vehicles waiting to turn right." Can the available equipment discern this difference? A different solution, not using box junctions would be more acceptable.	The equipment being procured has to meet certain quality criteria which takes these actions into consideration. This is a specific requirement of the DfT and will be established as part of the implementation process.
Road signs should be clearer at these three locations, and throughout Sheffield.	This will be looked at and investigated as part of any enforcement work. A refresh/check of existing signage and lineage will be undertaken to ensure compliance with traffic regulations and suitability for enforcement action. This is a requirement which the Council must fulfil so as to make its application to the DfT for a Designation Order.
There are too many signs in Sheffield.	As above

Objection	Response
road markings are worn off and not easily visible.	As above
Box junctions are an unsatisfactory mode of traffic control and alternative solutions should be sought.	Box junctions are a traffic management feature that can be implemented at the discretion of the Highway Authority, should there be a design solution for their implementation. As stated before, the proposals are not installing new yellow box junctions, but enforcing what is already in place.
Left turns are the safest turn, hence the invention of the roundabout. Only left turns that are fatal is caused by HGV/ bus left turning on to a cyclist.	This statement is not true. All moving traffic of all modes, in all directions can present a risk to all road users. The proposals are to mitigate against this risk at three specific locations.
restricting movement of vehicles would create more pollution and congestion	New restrictions are not being proposed and vehicles should already be complying with them where properly signed/marked. Unlawful movements are not currently permitted (albeit not enforced by the Council). The restrictions which are already in existence were created with the Council having regard to its duty to secure the expeditious, convenient and safe movement of traffic and the impact on congestion would have been assessed during the initial decision to regulate the highway in its current arrangement.
The scheme is a sticking plaster. No suggestion of how this is going to be policed.	The proposals will be enforced using ANPR technology, as outlined in the Evidence Report.
Council are getting involved in too many traffic schemes, e.g., active neighbourhoods etc that local Sheffield people don't want.	New restrictions are not being proposed. The results of this consultation suggest 75% of the 596 responders support the proposals.

Objection	Response
Unintendedly going through the restrictions and getting a fine	<p>There will be an Appeals Process which will seek to identify where deliberate blocking is occurring.</p> <p>The signage and linage on the approach to the scheme locations will be compliant with all highway design specifications and, where so created, in accordance with the underlying Traffic Regulation Order. It is also worth noting that these are not new restrictions and have been in place for many years. These are registered with all up to date satellite navigation systems to avoid any misrouting.</p>
All Yellow Boxes have the necessary formal legal approvals in place	<p>Box junctions are a traffic management feature that can be implemented at the discretion of the Highway Authority should there be a design solution for their implementation. As stated before, the proposals are not installing new yellow box junctions, but enforcing what is already in place. Prior to enforcement a full check on legal compliance will be required to ensure that all formal, legal approvals are in place.</p>

*Site 1: Bramall Lane/Queens Road*

3.18. The below diagram shows the sentiment to the Bramall Lane/Queens Road proposals.



3.19. 527 (77%) respondents expressed their support towards civil enforcement on Queens Road and Bramall Lane answering either ‘Support’ or ‘Strongly support’. 119 (17%) respondents stated that they were in opposition of civil enforcement on Site 1 answering either ‘Oppose’ or ‘Strongly oppose’.

3.20. The following table outlines the recurring and pertinent objections being raised for this location.

Objection	Response
Other traffic movements to be included within the proposals for this location	The proposal has been established based on the accident data. The data has shown that the banned right turn from Myrtle Road to Queens Road (northbound) is causing collisions. This specific manoeuvre is illegal and has been selected for the first tranche. There is the opportunity to look at other movements in this location in the future, should there be the evidence case to support it. Camera enforcement is not intended to be universally rolled out and only for specific locations.
not convinced cameras will catch those breaking the rules without also picking up those legally turning into Shoreham Street	The enforcement procedure will only pick up those making the illegal turn identified in the submission; right turn from Myrtle Road to Queens Road and the yellow box obstruction. The enforcement procedure will therefore allow permitted movements.
assurance that drivers are not penalised for entering the yellow box markings when waiting to turn right.	As above, if it can be demonstrated that a manoeuvre is legal then there would not be any enforcement action. There will be the development of an Enforcement Procedure to outline specific actions and circumstances that would not be enforceable. An Appeals Process similar to bus lane contraventions and parking fines will be established - where the Council rejects a formal representation, the person making it will have the right to appeal to an independent adjudicator (via the Traffic Penalty Tribunal) for a final decision in a manner similar to that used for parking contraventions.
do not feel camera enforcement is needed at the junction, particularly given the low accident data.	The use of cameras is a last resort, and the junction has had signage improvements and contravention still occurs. Sheffield City Council is moving towards a Vision Zero by 2050, meaning that we consider any death or serious injury as one too many.
traffic flows differently at different times of the day and if drivers follow the letter of the law at all times, traffic flow will worsen.	The enforcement will take place 24 hours a day in accordance with the current legal restrictions which are already in effect in both peak and off peak times (albeit not currently enforced by the Council).

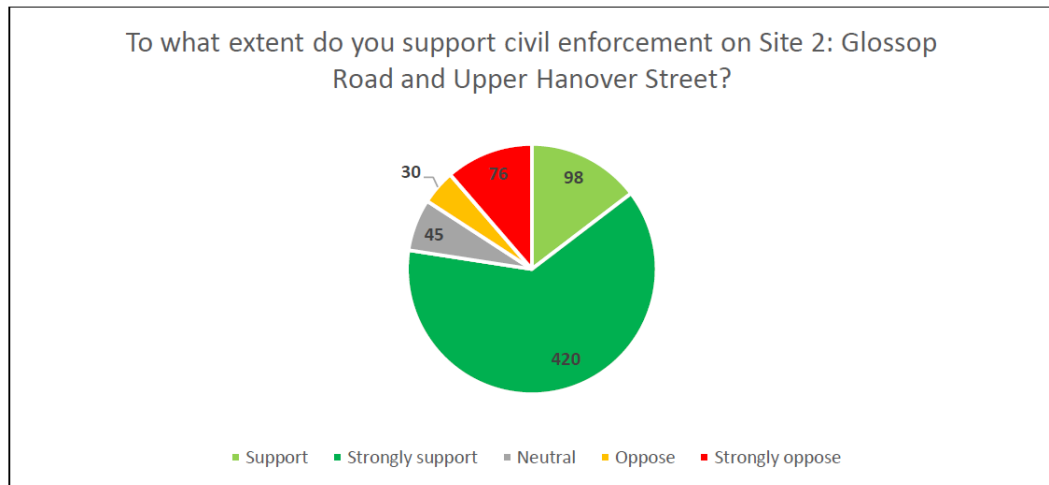
Objection	Response
road signs and street markings need to be clear and request for better signage at Halfords/Heeley junction	This will be looked and investigated as part of any enforcement work. A refresh/check of existing signage and lineage will be undertaken to ensure compliance with traffic regulations, suitable for enforcement action. This is a requirement which the Council must fulfil so as to make its application to the DfT for a Designation Order.
Most yellow boxes seem to have parts which have worn away as do many of the white road markings	As above.
Cameras are obviously placed so drivers are not being caught by stealth.	Cameras will be visible but ultimately these are unlawful movements that shouldn't be undertaken. If agreed and powers adopted, the Council is proposing an awareness campaign and highway signage (indicating that enforcement will begin) prior to enforcement action. Through proper placement of signs and markings, a motorist should not be unaware of the existence of a restriction. In these circumstances, the restriction will be enforceable regardless of the position of the camera.
Suggestion to make physical changes rather than enforce banned movements by camera as physical changes will be much more beneficial and should be viewed as a long-term investment.	The use of cameras is a last resort, and the junction has had signage improvements and contravention still occurs. Monitoring and evaluation will be completed post implementation to see the effectiveness.

Objection	Response
<p>Older people with poor mobility will miss out on access to the city centre.</p>	<p>New restrictions are not being proposed. Any impact upon the activities of motorists will be as a result of them no longer being able to carry out unlawful movements, which are already not permitted (albeit not enforced by the Council).</p> <p>All motorists will continue to need to abide by the existing restrictions. Consequently it is not agreed that the proposal to carry out moving traffic enforcement would disproportionately affect older people – therefore access to the city centre by older people, using the highway lawfully, is not considered to be impacted by the implementation of enforcement.</p>
<p>enforcement by camera would have a negative effect on access to business premises.</p>	<p>As indicated above, nobody should be using their vehicle in contravention of a traffic restriction. The Council is not aware of any circumstance in which a permanent restriction would prevent a person from accessing business premises if they are using their vehicle lawfully. It remains to be demonstrated what the nature and extent of the “negative effect” would be; and if that were to be demonstrated, the Council must have regard to its duties in respect of highway network management such that, on balance, its performance of those duties would prevail.</p>
<p>Difficult to get to their home following these measures in addition to the closure of Cherry Street to motor vehicles.</p>	<p>As indicated above albeit in respect of access to residences.</p>



*Site 2: Glossop Road/Upper Hanover Street*

3.21. The below diagram shows the sentiment to the Glossop Road/Upper Hanover Street proposals.



3.22. 518 (77%) respondents expressed their support of civil enforcement on Glossop Road and Upper Hanover Street answering either ‘Support’ or ‘Strongly support’, while 106 (16%) respondents answered either ‘Oppose’ or ‘Strongly oppose’, stating that they were in opposition of civil enforcement on Site 2.

3.23. The following table outlines the recurring and pertinent objections being raised for this location.

Objection	Response
Enforcement at several other locations in the area	The proposal has been established based on the accident data. The data has shown that the banned left turn from Upper Hanover Street to Glossop Road is causing collisions. The presence of the pedestrian crossing also highlights a risk to be mitigated. This specific manoeuvre is illegal and has been selected for the first tranche. There is the opportunity to look at other movements in this location and beyond in the future, should there be the evidence case to support it. Camera enforcement is not intended to be universally rolled out and only for specific locations.
Enforcement of ‘cycle box’ and cycle lanes.	The proposal set out is based on accident data and where public transport and traffic flow is being impeded through blocked junctions. The use of camera enforcement for Advanced Stop Lines for cyclists is not available within the regulations – consequently the Council will not have the power to enforce in this way.

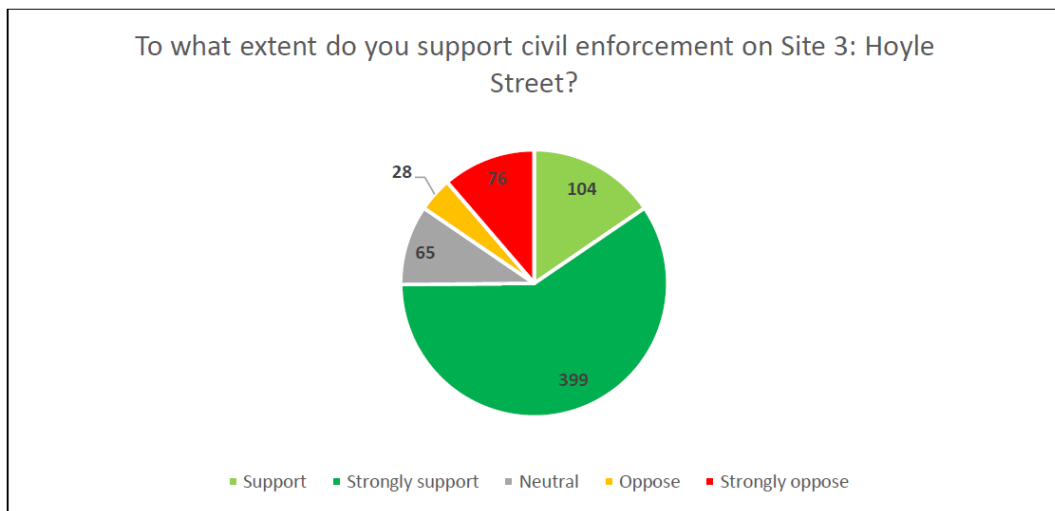
Objection	Response
<p>signage at the junction is inadequate as drivers who don't know you cannot turn left here will be caught unless travelling straight ahead</p>	<p>This will be looked and investigated as part of any enforcement work. A refresh/check of existing signage and lineage will be undertaken to ensure compliance with traffic regulations, suitable for enforcement action.</p>
<p>general operation of this junction is very confusing. There are different restrictions on all four approach routes with exclusions for buses. However, it isn't clear if these exclusions also apply to bikes and taxis. Upgrading the signage around the area is really important.</p>	<p>As above, with the exception the turn which is being enforced are the left turn from Upper Hanover Street to Glossop Road, and the yellow box junction.</p>
<p>Heading from Glossop Road into town there is only a straight only sign at the junction with Upper Hanover Street. One respondent thinks that it needs to be emphasised with a no right turn and a no left turn sign.</p>	<p>The 'round blue, with an ahead arrow' is the correct highway sign to use for this restriction. It implies that the only permitted movement is ahead, therefore negating the need for a banned left and banned right sign. This is in accordance with the traffic signs regulations. Drivers are expected to know the highway code and the associated traffic signs in accordance with the prerequisites of obtaining a driving license.</p>
<p>The bus gate on West Street just before the Glossop Road / Upper Hanover junction seems to be ignored so it needs more of a deterrent than a blue sign. The bus gate at Hillsborough on Infirmary Road (or Middlewood Road) seems more effective.</p>	<p>Noted.</p>

Objection	Response
Road signs in place are inadequate and there are other options that should be considered rather than fines	<p>This will be looked and investigated as part of any enforcement work. A refresh/check of existing signage and lineage will be undertaken to ensure compliance with traffic regulations, suitable for enforcement action.</p> <p>The use of cameras is a last resort, and the junction has had signage improvements and contravention still occurs. Monitoring and evaluation will be completed post implementation to see the effectiveness.</p>
A bus turning right from West Street can block another vehicle and can be left stranded across a pedestrian crossing.	<p>An Appeals Procedure will be established to identify certain circumstances where actions outside the driver's control can be established in relation to the pursuit of enforcement action. This will be similar to the process of assessing bus lane contraventions and parking fines - where the Council rejects a formal representation, the person making it will have the right to appeal to an independent adjudicator (via the Traffic Penalty Tribunal) for a final decision in a manner similar to that used for parking contraventions.</p>
Left turning is extremely dangerous here as drivers are unaware that the pedestrian crossing is green.	<p>This movement is not permitted under the current Traffic Regulation Order and is therefore unlawful.</p>
There is no need for enforcement by camera at the junction due to lack of evidence of any collisions for the past three years.	<p>The use of cameras is a last resort, and the junction has had signage improvements and contravention still occurs. Sheffield City Council is moving towards a Vision Zero by 2050, meaning that we consider any death or serious injury as one too many.</p>
Trams often change the signals here out of the order you might expect as a motorist.	<p>A check on the infrastructure will be undertaken to ensure that the signal timings are in accordance with signal design standards. However, drivers are expected to obey red lights and other vehicular restrictions for the safety of all highway users. This is particularly important in locations such as this where public transport services are in operation.</p>

Objection	Response
The yellow box makes sense but preventing vehicles from turning left onto Glossop Road does not.	New restrictions are not being proposed. This would only be the case if the respondent is undertaking unlawful movements, to which these are not permitted. This point would have been assessed during the initial decision to use the highway in its current arrangement, through a previous Traffic Regulation Order.

*Site 3: Hoyle Street*

3.24. The below diagram shows the sentiment to the Hoyle Street proposals.



3.25. 503 (74%) respondents expressed their support of civil enforcement measures on Hoyle Street answering either 'Support' or 'Strongly support'. While 108 (15%) respondents stated that they were in opposition of civil enforcement on Site 3, answering that they either 'Oppose' or 'Strongly oppose' the proposals.

3.26. The following table outlines the recurring and pertinent objections being raised for this location.

Objection	Response
<p>Enforcement at several other locations in the area (noted Ecclesall Road)</p>	<p>The proposal has been established based on the accident data. The data has shown that the banned left turn from Upper Hanover Street to Glossop Road is causing collisions. The presence of the pedestrian crossing also highlights a risk to be mitigated. This specific manoeuvre is illegal and has been selected for the first tranche. There is the opportunity to look at other movements in this location and beyond in the future, should there be the evidence case to support it. Camera enforcement is not intended to be universally rolled out and only for specific locations.</p>
<p>Easy to be caught out here due to the complex two way turn from the right-hand lane. Until this junction is improved, it's unfair to charge people.</p>	<p>The yellow box is proposed to be enforced to mitigate against a potential collision with a tram and to help manage the flow of traffic on Shalesmoor. Adherence to the yellow box restriction will ensure the correct gap between traffic entering Penistone Road/Shalesmoor and easing flow and manoeuvring. This will be monitored.</p>
<p>This box junction is an obscure shape which makes it difficult for motorists to discern where it starts and stops and how to cope with it.</p>	<p>The yellow box restriction has been established in accordance with design guidelines and the requirements of the statutory regulations. The obscure shape is in direct relation to the tram tracks, where they pass the vehicle highway.</p>
<p>Phasing of traffic lights could be improved to avoid trapping traffic in areas over the line because of traffic held at the lights to join Shalesmoor when entering Penistone Road</p>	<p>This will be looked at if the proposal progresses.</p>

Objection	Response
Taxis won't be able to pick up their customers.	New restrictions are not being proposed. This would only be the case if the respondent is undertaking unlawful movements, to which these are not permitted. The restrictions which are already in existence were created with the Council having regard to its duty to secure the expeditious, convenient and safe movement of traffic – a taxi carrying out an unlawful manoeuvre would be doing so in contravention of a restriction which the Council designed so as to secure the aforementioned objective.
There is no evidence of how often delays are caused by vehicles stopping in the yellow box or the extent of the delay to the tram timetable.	The evidence report contains the rationale for the locations being selected. The location was subject to an investigation by the Rail Accident Investigation Branch in October 2015 following a tram on tram collision. The accident report is very thorough and examined all contributory factors leading to the incident. What this report details, is that the blocking of the yellow box and the subsequent violation of the Highway Code, prevented the routine operation of the tram and contributed to the incident. Greater enforcement of the yellow box would be a suitable mitigation.
This junction is bad. Traffic is already a nightmare there and people blocking the junction just makes it 10 times worse.	New restrictions are not being proposed. This would only be the case if the respondent is undertaking unlawful movements, to which these are not permitted. The restrictions which are already in existence were created with the Council having regard to its duty to secure the expeditious, convenient and safe movement of traffic – with the restriction in place, blocking the junction would be an unlawful manoeuvre and in contravention of a restriction which the Council designed so as to secure the aforementioned objective.
this is completely unnecessary as they have never seen issues here and use the road regularly	The operation of Supertram through this junction relies on the yellow box being adhered. The proposal is to enforce the restriction to ensure safe and efficient operation of the Supertram. Therefore the lawful of the Highway is required, and this includes the yellow box junction.

Objection	Response
questioned if the current signage is adequate	This will be looked and investigated as part of any enforcement work. A refresh/check of existing signage and lineage will be undertaken to ensure compliance with traffic regulations, suitable for enforcement action.
Re-design of the junction should be undertaken first, before installing any enforcement equipment. Would enforcement of the rules, with current layout, potentially change some of the observed flows used in the design process?	The junction is subject to a DfT Major Road Network bid, which would redesign the junction. If this were to be implemented, the yellow box junction are considered likely to remain the same in the current proposals and would still be enforced by camera. The design process assumes the legal use of the highway, although the design process will analyse driver behaviour. Re-routing is not expected but will be monitored.

### *Statements of Support*

3.27. Although there have been a objections and clarifications raised, there has been significant public support for these proposals. The following bullet points are taken from the any other comments section of the consultation.

- Roads are dangerous in Sheffield, therefore measures like this are needed.
- The measures are important for vulnerable road users.
- The measures will improve public transport reliability.
- enforcement by cameras could be used to improve active travel.
- Consider the most punitive measures possible.
- Do everything you can to disincentivise private car use and single car ownership.
- The standard of driving/road use by vehicles in Sheffield is poor. A major factor is lack of enforcement of regulations. This is an opportunity for a reset and to make some of the city's major arteries safer.
- Please ensure these measures are used and fully enforced.
- Install cameras on all lights at potentially dangerous junctions- dummy cameras could be used as a deterrent.
- Enforcement should be used more widely across Sheffield.
- Camera enforcement should include other traffic offences.
- Pavement parking should be enforced. One of these respondents also suggested that illegal parking at bus stops should be enforced
- Vehicles blocking the advanced stop line (ASL) should also be enforced by camera.
- Vehicles driving or blocking cycle lanes should be enforced by camera.

*Other Consultee Responses*

- 3.28. South Yorkshire Police have been involved in the development of the proposals and do not propose an objection to the recommendation. A letter of support is being drafted.
- 3.29. South Yorkshire Mayoral Combined Authority have been engaged and do not propose an objection to the recommendation. Bus Operators and Stagecoach Supertram have been consulted, with letters of support being obtained. See Appendix D.



## **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

### **4.1. Equality Implications**

4.1.1. An Equality Impact Assessment has been carried out. This notes that the locations identified are busy and used by various demographics. It records that, '[while] no significantly disproportionate impact is expected' for people sharing different protected characteristics and equality interests, there may be benefits to traffic-calming measures in particular on grounds of:

- Health (through improved air quality and reduced accidents)
- Age (children, younger people, older people)
- Disability (physical or learning disabilities, hidden impairments, mental health conditions and other conditions/impairments)
- Pregnancy/maternity
- Caring responsibilities (for disabled and/or older people)
- Poverty and financial inclusion (by acting as a deterrent and reducing the risk of accidents and of drivers facing endorsements, and 'potentially contributing positively in financial terms by keeping more people fit and economically active').

4.1.2. The proposal supports the Council's obligations under the Equality Act 2010, specifically by advancing equality of opportunity for people sharing one or more of the protected characteristics included above.

### **4.2. Financial and Commercial Implications**

4.2.1. Through the guidance, the DfT has determined two bands for the level of penalty charge notice payable for moving traffic contraventions. This is in the same way as parking contraventions. Band 1 would see the charge at £60 (reduced to £30 if paid within 21 days) and band 2 at £70 (reduced to £35 if paid within 21 days). In Sheffield, parking charges are set according to band 2 and so it is recommended that we adopt the same band (£70) for moving traffic contraventions for consistency purposes. Representations can be made against a PCN to the enforcing council and there will be an adjudication service to arbitrate when there is a dispute.

4.2.2. Depending on the location, scale of restrictions to be enforced, the camera infrastructure are variable. Through a soft market test and based on evidence through the Clean Air Zone infrastructure, cameras can cost between £15,000 and £25,000, with additional costs for maintenance. There are additional service costs associated with dealing with representations against PCNs and adjudication.

4.2.3. Ideally, traffic enforcement cameras will be self-financing, but this will not always be the case. The Council will therefore need to ensure that site selection policy considers the business case for the installation and particularly, the financial implications involved. This will be considered

through the Capital Gateway approval process on a scheme-by-scheme basis.

- 4.2.4. Overall, the Council would aim to manage this new function on a cost neutral basis with the income from penalties covering all costs. Any surplus income generated through the enforcement of moving traffic offences will, by law, need to be allocated towards the making good of any deficit in the Council's general fund where no surplus was generated in years prior, the provision or operation of (or facilities for) public transport passenger services, environmental improvement schemes or highway improvement projects. This is similar to the way that surplus income from parking enforcement must be managed.

#### 4.3. Legal Implications

- 4.3.1. The Council is under a duty contained in section 16 of the Traffic Management Act 2004 ('the 2004 Act') to manage its road network with a view to securing the expeditious movement of traffic on that network, so far as may be reasonably practicable while having regard to its other obligations, policies and objectives. This is called the network management duty and includes any actions the Council may take in performing that duty which contribute for securing the more efficient use of their road network or for the avoidance, elimination or reduction of road congestion (or other disruption to the movement of traffic) on their road network. It may involve the exercise of any power to regulate or co-ordinate the uses made of any road (or part of a road) in its road network.
- 4.3.2. Section 18 of the Act requires that the Council shall have regard to guidance of the appropriate national authority about the techniques of network management or any other matter relating to the performance of the duty imposed by sections 16 of the Act. The proposals described in this report are considered to fulfil that duty in accordance with the aforementioned statutory guidance – specifically 'Traffic Management Act 2004: statutory guidance for local authorities outside London on civil enforcement of bus lane and moving traffic contraventions'.
- 4.3.3. Many of the restrictions depicted in Appendix B are included within Traffic Regulation Orders (TROs) which the Council has made in the past. The TROs were made pursuant to the powers available under the Road Traffic Regulation Act 1984 ('the 1984 Act') and in accordance with the duty under section 122 of that act to exercise its functions to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway, so far as practicable and having regard to:
- the desirability of securing and maintaining reasonable access to premises;
  - the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial

- vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
- the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);
  - the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
  - any other matters appearing to the local authority to be relevant.
- 4.3.4. The making of each TRO was carried out in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (the '1996 Regulations'). The procedure under the 1996 Regulations includes notification, consultation and the consideration of any duly made objections received in respect of a proposed order before it can be made.
- 4.3.5. Certain types of restrictions depicted in Appendix B were implemented by way of the Council exercising its power to cause or permit traffic signs to be placed on or near a road, per section 65 of the 1984 Act. The Council did so in conformity with the prevailing Traffic Signs Regulations and General Directions (TSRGD) at the time. These restrictions are capable of being created in virtue of the Council having exercised its power to place the relevant sign – the TSRGD states which restrictions are capable of being created in this way (i.e. without a TRO underpinning them).
- 4.3.6. The proposals described in this report are therefore not to implement new restrictions – they relate entirely to the enforcement of existing restrictions which are, pending the Council's application for a Designation Order, only enforceable by the police.
- 4.3.7. Section 73 of the 2004 Act states that moving traffic contraventions are subject to civil enforcement by the Council, however this is only possible where the area in which enforcement is intended to be carried out has been so designated by way of an order signed by the Secretary of State. Part 2 of Schedule 8 to the 2004 Act states that an application for a Designation Order may be made by the Council and this is a requirement for the proposals described in this report.
- 4.3.8. The Council may impose a penalty charge with respect to a vehicle which is involved in a moving traffic contravention pursuant to the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 ('the 2022 Regulations'). Evidence of a contravention may be provided by way of an approved device (i.e. a camera) according to the specification set out under the 2022 regulations.

4.3.9. The 2022 Regulations place strict requirements upon the Council for the accounting of income and expenditure in connection with moving traffic contraventions, including that, at the end of each financial year, any deficit in the account must be made good out of the Council's general fund. Any surplus arising in the account must be applied for purposes specified under regulation 31 of the 2022 Regulations – these are as follows:

- the making good to the enforcement authority's general fund of any amount charged to that fund under regulation 28(3) or 29(2) in respect of any deficit in the four years preceding the financial year in question;
- the purposes of environmental improvement in the enforcement authority's area;
- meeting costs incurred, whether by the enforcement authority or by some other person, in the provision or operation of, or of facilities for, public passenger transport services;
- the purposes of a highway improvement project in the enforcement authority's area.

4.3.10. Section 39 of the Road Traffic Act 1988 states that the Council is under a duty to prepare and carry out a programme of measures designed to promote road safety, as well as carry out studies into accidents arising out of the use of vehicles on roads for which it is the highway authority within its area and, in light of those studies, take such measures as appear to the authority to be appropriate to prevent such accidents, including measures taken in the exercise of its powers for controlling, protecting or assisting the movement of traffic on roads. The proposals described in this report are considered to align with this duty.

#### 4.4. Climate Implications

4.4.1. A full CIA is not considered necessary due to the nature of this proposal. There are no anticipated significant negative impacts (minor impacts include the acquisition of new equipment and back-office support function) and the proposed additional powers have the potential to contribute positively as set out below.

4.4.2. The new powers are a key tool in reducing congestion and improving air quality, while promoting the attractiveness of active travel e.g. by keeping vehicles out of cycle lanes and other parts of the road where vehicles are prohibited. Having the powers to keep junctions clear will improve punctuality of bus services contributing to making sustainable travel a more attractive choice. Increasing compliance through targeted enforcement at problem locations, will also bring benefits to the experience of pedestrians including people with sensory impairments, older people, children, those looking after children, as well as carers.

## 5. ALTERNATIVE OPTIONS CONSIDERED

5.1. There are five alternative options;

- a) **Do not submit** – this would result in Sheffield City Council deciding not to submit its application for a Designation Order to enable the use of its powers to carry out moving traffic enforcement. This is not considered recommended for the reasons already outlined in this report.
- b) **Postpone Submission** – There is an option to postpone the submission of the application of the Designation Order. This is not recommended as the DfT has indicated that the opportunity to draw down the powers may not be available after this date. Additionally if an application is made to the January 2023 deadline this will enable a more expedient implementation.
- c) **Reduce the number of sites** – This has been considered but not recommended as each site poses a different set of contraventions and local circumstances that would be useful to test camera enforcement.
- d) **Do not apply for City Wide implementation in the Designation Order** – This option would mean that Sheffield City Council only requests the power at the specific sites identified. Although this would still provide benefit, it would only do so for the specific sites. It would also preclude further roll out across the administrative area without a further application and therefore limit the use of these powers in future scheme implementation and policy development. It is therefore not recommended.
- e) **Do not apply for all the moving traffic contraventions (outlined in Appendix A)** – Specific moving traffic offences could be requested. This is not recommended as it is not clear exactly which offences would need to be enforced, beyond the site-specific requirements already identified, at this point in time. Therefore, it would be pragmatic to request all the moving traffic offences so they can be used when required, on a site by site, scheme by scheme basis.

## **6. REASONS FOR RECOMMENDATIONS**

- 6.1. Road Safety is of paramount importance for the City of Sheffield and our residential and business communities. As an Authority, there is a commitment to achieve a transport network that meets the Vision Zero by 2050, meaning that any death or serious injury on the highway network is considered as one too many. This supports the long-term goal of zero people killed or seriously injured on Sheffield's roads within the next 28 years.
- 6.2. This principle has been adopted by the South Yorkshire Safer Road Partnership, in coalition with our South Yorkshire partners, including South Yorkshire Police, South Yorkshire Fire and Rescue and the constituent Local Authorities. This aligns with local, regional and national policy directions. Greater enforcement of the highway network, achieving via the moving traffic offence enforcement powers is key to achieving this ambition.
- 6.3. There are benefits that can be derived from a greater level of enforcement, to ensure the safe and efficient use of the highway for all road users, specifically in relation to road safety and network management principles. In addition to this, the drawing down of these powers will help relieve pressure on local Police resources. These powers will provide us with the ability to protect highway users from unlawful vehicle manoeuvres and allow us to target and protect specific locations where routine dangerous movements are occurring.
- 6.4. In relation to congestion and network management, more control over vehicle movements at key intersections will ensure a greater level of resilience of the network. Illegal movements at key junctions have significant impact on the flow of traffic and at present many of these actions go unpunished due to the availability of policing resources. The enforcement of these movements would reduce the occurrence, which has the primary benefit of improving safety for all highway users. It would also allow our Urban Traffic Control centre to operate in a more routine and consistent manner, particularly in relation to managing signal strategies and queuing traffic.
- 6.5. From a policy and strategy perspective, Sheffield City Council has previously appealed to the Department for Transport for the designation of these powers. This occurred in 2012 with a specific representation to the Department followed by requests via the Yorkshire and Humber Traffic Manager Forum. Most recently we have developed and adopted a Sheffield Transport Strategy, to which we have highlighted an action to develop and review our parking and traffic enforcement policy, and to lobby for the Sheffield to be granted powers to enforce moving traffic offences under the decriminalised enforcement regime. This letter is therefore clearly aligned to our strategic position.

- 6.6. The report outlines Sheffield City Council's intention, as Local Highway Authority, to include the whole of the Sheffield Administrative Boundary as the operational extent of the Designation Order, including all roads classified as public highway. Roads excluded will therefore only be those roads not under our direct control such as the Strategic Road Network (Highways England) and private land. This also includes all the Traffic Signs that the Government has agreed to implement. This will ensure rollout across the city, to assist future scheme development and policy implementation.
- 6.7. Every effort to make the highway safer, in accordance with our statutory obligation is being made at present. The opportunity for greater enforcement will bolster our design processes, with the ultimate aim to prevent illegal movements, these powers significantly improve this. As the country, region and city moves towards a transport network which seeks to promote active travel and public transport, road safety for vulnerable road users is essential and the management of congestion on public transport corridors is critically important.
- 6.8. The responses to the consultation are addressed earlier in this report and the extent of the support for the proposals versus those who object is noted. Further, having considered the breadth of the response from the public and other consultees it is considered that the recommendations of this report should be taken forward on the basis that the benefits of the proposals set out in the preceding paragraphs of this section are considered to outweigh the concerns raised.

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