



## Report to Policy Committee

**Author/Lead Officer of Report:** Emma Barker/Sabia Hanif

**Report of:** Executive Director Operational Services

**Report to:** Waste & Street Scene Policy Committee

**Date of Decision:** 13 March 2024

**Subject:** Civil Parking, Bus Lane and Moving Traffic Enforcement Policy

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? 2599				
Has appropriate consultation taken place?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				

**Purpose of Report:**

The report seeks approval of an updates to the Civil Parking and Bus Lane Enforcement Policy to include moving traffic enforcement.

The decision to implement enforcement of these powers has already been taken:

<https://democracy.sheffield.gov.uk/documents/g8598/Decisions%20Thursday%2019-Jan-2023%2011.00%20Transport%20Regeneration%20and%20Climate%20Policy%20Committee.pdf?T=2>

A signed designation order was received from the Department for Transport in June 2023. This enables Sheffield City Council to use civil enforcement powers to issue Penalty Charge Notices (PCNs) to vehicles contravening such restrictions.

The policy provides updated information and guidance on:

- National regulations and government guidance
- The appeals process that motorists must follow to dispute a moving traffic PCN and a guide to our cancellation policies.
- Enforcement of moving traffic contraventions

Initial sites to be enforced by ANPR cameras submitted to the Transport, Regeneration and Climate Committee are;

- Queens Road/ Bramall Lane: Illegal turns, yellow box junction
- Glossop Road/ Upper Hanover Street: Illegal turns, yellow box junction
- Hoyle Street: Yellow box junction

The amended version is aimed at ensuring our policies:

- are updated to include new enforcement powers
- reflect national regulations and guidance
- are transparent.
- are consistent.

#### **Recommendations:**

That Members of the Committee approve:

- 1) the updated Civil Parking, Moving Traffic and Bus Lane Enforcement Policy; and
- 2) a delegation to the Executive Director, City Futures to make minor amendments to the table in the Moving Traffic Restrictions section in Appendix A of the policy, to reflect new or existing Traffic Regulation Orders.

#### **Background Papers:**

[Approved Parking and Bus Lane Enforcement Policy 2023](#)

[Enforcing Moving Traffic Offences Evidence Report](#)

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: Adrian Hart
		Legal: Richard Cannon
		Equalities & Consultation: Louise Nunn
		Climate: Sustainability team – sign off by Head of Service
<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>SLB member who approved submission:</b>	Ajman Ali
3	<b>Relevant Policy Committee</b>	Waste & Street Scene Policy Committee
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 Decision Maker by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	<b>Lead Officer Name:</b> Sabia Hanif	<b>Job Title:</b> Parking Services Manager
	<b>Date:</b> 04.03.24	

## 1. PROPOSAL

1.1 Sheffield City Council has existing teams who carry out parking and bus lane enforcement and who consider appeals against such Penalty Charge Notices (PCNs).

1.2 In 2023 the Parking and Bus Lane Enforcement Policy was updated in line with current regulations and to enable Parking Services to roll out changes to enforcement. This was approved in September 2023 at the Waste & Street Scene Policy Committee: [Policy Committee Decision Record - 27.09.23](#)

1.3 Moving traffic enforcement is subject to a different warning notice period. *Statutory guidance for local authorities outside London on civil enforcement of bus lane and moving traffic contraventions* published by the Department for Transport stipulates:

*for a period of 6 months following implementation of enforcement of moving traffic contraventions, at each particular camera location, local authorities outside London should issue warning notices for first-time moving traffic contraventions. This also applies to any new camera location in the future.*

The warning notice information in the revised draft of the Parking, Bus Lane and Moving Traffic Enforcement Policy has been updated to include this requirement both for new contraventions that enforcement is planned for such as traffic being required to proceed in set direction and entering a box junction.

1.4 It is also proposed that the above 6-month warning notice period for first time offenders will be applied for new bus gates and PCNs for these will be issued using contravention reason 'Using a route restricted to certain vehicles' instead of 'Being in a bus lane'.

Bus gates are defined in the Transport Act 2000 as a bus lane therefore the contravention that the PCN could be issued for is the same.

Moving traffic enforcement powers enable the Council to use the new contravention code (33 - Using a route restricted to certain vehicles) for bus gates. This is aimed at providing a clearer description to recipients of such PCNs.

Bus lanes separate buses (and authorised vehicles such as taxis, emergency services and bikes) from adjacent lanes that other vehicles may use.

Bus 'gates' are short sections of road that any other traffic is not permitted to travel along.

The restriction signage for bus gates is different to that used for a bus lane. The entry point to the restricted area is shown using a blue circular sign with symbols of a bus and a bicycle on. The signs in Sheffield also show that taxis may use the bus gates as well as some other authorised traffic.

- 1.5 The updated policy is aimed at continuing to provide clear and transparent information to motorists, with details about moving traffic enforcement including a summary of the relevant exemptions that apply. Applicable exemptions are generally set by Traffic Regulation Orders (TROs), but for box junctions are set nationally (Traffic Signs Regulations and General Directions 2016).
- 1.6 Further moving traffic enforcement sites with different restriction types not detailed in the current proposed policy will be considered by the Transport team. It is proposed that minor amendments to table in the Moving Traffic Restrictions section in Appendix A can be delegated to officer decisions. Minor amendments to the table would be to list the relevant contravention codes, illustrate signage and detail the exemptions (as per existing Traffic Regulation Orders and national regulations).
- 1.7 A further amendment to the enforcement policy that is in line with the statutory guidance is in Appendix B. This is to include unpaid bus lane and moving traffic contraventions in the assessment criteria for persistent evaders. This also covers reporting vehicles to the police (if incorrectly registered at DVLA or without MOT). Vehicles without tax may be referred to the DVLA.
- 1.8 Other proposed updates to the policy are including assessments of potential vulnerable debtors before enforcement agent stage, amendments to some exemptions to align with current Traffic Regulation Order review work and clarity that parking bays are not currently enforced on bank holidays.

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

- 2.1 The policy is designed to provide clear, consistent, and concise guidance to all those who need to use it:
  - CEOs issuing PCNs
  - Members of the notice processing team when considering PCN appeals
  - Drivers wanting to find out more information about restrictions and if they have received a PCN the appeals process and policy.
- 2.2 The policy is aimed at supporting better enforcement, including additional contraventions and should improve compliance. Clear priorities allow focus on key enforcement issues which have the greatest impact (safety, congestion, improving streets for other uses – not just other drivers).

Fewer vehicles breaching moving traffic restrictions can improve:

- road safety issues
- traffic movement (including for pedestrians and cyclists)
- the impact on the local environment

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

- 3.1 Before they can be enforced many restrictions are introduced by the implementation of a Traffic Regulation Order (TRO). TROs are subject to their own regulated consultation process. Restrictions that do not rely on a TRO are covered by national legislation and regulations.
- 3.2 The Transport team have carried out consultation and assessment of moving traffic enforcement requirements as detailed in the [Enforcing Moving Traffic Offences Evidence Report](#)

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

#### **4.1 Equality Implications**

- 4.1.1 Enforcement against vehicles contravening moving traffic restrictions benefits a cross section of road users including cyclists, pedestrians and public transport operators/users. This would be through better traffic flow and improved safety at busy junctions for example.

The enforcement policy is intended to provide transparent information about what will be enforced by Sheffield City Council.

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

- 4.2.1 Enforcement is aimed at improving compliance rather than financial targets.
- 4.2.2 The 6 month warning notice period for first time offenders after new moving traffic enforcement sites are implemented is set by the Department for Transport. This sets out to educate drivers about new restrictions whilst enabling penalty charges to be issued to drivers who have been served a warning notice within this period but who do not change their behaviour.
- 4.2.3 Costs and PCN income will vary between sites depending on variables such as traffic flow.
- 4.2.4 During the warning notice period and potentially ongoing, there would be a need for additional staff to deal with the work related to PCN's. These costs would be offset against the Penalty Income received.

Initial Capital Costs for the implementation of Moving Traffic Enforcement for the three locations is in the region of £144k and will be funded by Capital. It will be funded from the Local Neighbourhood Complementary Transport Programme allocation from the South Yorkshire Mayoral Combined Authority. Capital approval to spend is awaiting confirmation of a compliant route to procure the cameras.

#### 4.3 Legal Implications

- 4.3.1 The Council is under a duty contained in section 16 of the Traffic Management Act 2004 (“the 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 known as the network management duty. The duty applies in respect of the exercise by the Council of any power to regulate or co-ordinate the uses made of any road (or part of a road) in its road network - including bus lane and moving traffic enforcement.
- 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 section 16 of the Act.
- 4.3.3 The proposals described in this report are considered to fulfil the network management 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’ The guidance sets out a policy framework which the updated Civil Parking, Bus Lane and Moving Traffic Enforcement Policy incorporates.
- 4.3.4 The Council must adhere to the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 and the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022. The updated policy is consistent with the requirements of these regulations.

#### 4.4 Climate Implications

- 4.4.1 The enforcement of moving traffic restrictions should improve public transport efficiency and traffic flows (and associated vehicle emissions caused by congestion)

#### 4.4 Other Implications

- 4.4.1 Updated guidance and training for the policy changes would need to be rolled out to enforcement and appeals teams.

## **5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 Leave the warning notice period for new bus gates at 1 month and enforce using the same contravention code as bus lanes.
- 5.2 The Council would need sufficient justification to depart from statutory guidance which anticipates that bus gates will become the subject of moving traffic enforcement (and the longer 6 month warning period). While choosing not to implement the proposals in this report would not be unlawful and would provide consistency and continuity with the Council's existing practice in respect of bus gates, this is deemed not to be sufficient justification to depart from the statutory guidance. It could also raise additional concerns regarding how PCNs issued in respect of bus gates may be treated by the Traffic Penalty Tribunal upon appeal.

## **6. REASONS FOR RECOMMENDATIONS**

- 6.1 The Department for Transport sets out that civil enforcement policies should be consistent, fair and effective. The existing policies need updating to reflect current regulations and enforcement options available to the local authority.

It is recommended that Members approve the policy for the updated recommendations to be implemented in preparation for ANPR camera enforcement of moving traffic contraventions.