

**MOVING TRAFFIC OFFENCES ENFORCEMENT REPORT****Report of the Director of Place Management****1. Introduction and Purpose of Report**

- 1.1. The Traffic Management Act 2004 part 6 (TMA 2004) introduced civil enforcement of traffic offences in England and Wales. The legislation allows local authorities to enforce parking restrictions together with some moving traffic offences, like making banned left / right turns, exceeding weight limits, and stopping in yellow box junctions.
- 1.2. To date, the powers to enforce moving traffic offences are not available to local authorities outside of London. However, in July 2020, the government committed to change this and allow local authorities outside of London the powers to manage moving traffic contraventions. Consequently, local authorities can now apply to the Secretary of State (SoS) for a Designation Order to obtain moving traffic enforcement (MTE) powers.
- 1.3. The benefits of moving traffic offence enforcement are:
  - Improved road safety including those walking, cycling, and wheeling. This can help to encourage more people to take up active travel options.
  - Reduced traffic congestion.
  - Improved journey times for public transport services.
  - Reduction in vehicle emissions which in turn improves air quality and supports our zero-carbon target.
  - Enabling the Police to focus their policing priorities elsewhere, and
  - Increased safety and cleaner air around schools – camera enforced school streets schemes are proven to have a positive effect.
- 1.4. Stockport Council want to promote compliance with road rules. By taking on these powers the expectation is that enforcement will discourage negative behaviours not only at enforced location but at other locations too.
- 1.5. Once we have the powers the Council will start to roll out enforcement at relevant sites. These sites will have their signs and lines reviewed to ensure that drivers have all the information they need to make the correct choice regarding the location. The sites will also have numberplate recognition cameras put in place which will issue tickets to contravening motorists. For the first 6 months these will be informational messages about how they have not met the rules of that location. After this period they will be Penalty Charging Notices (PCNs) to be paid. These notices will have the same rules of appeal that are seen with other PCNs if the motorists feels the ticket is issued in error.
- 1.6. The purpose of this report is to present the consultation finding and seek approval from the cabinet to continue completing the remaining steps required to request the enforcement powers including delegating decision-making power

for the final submission of the approval to the SoS.

## **2. Background**

2.1. To gain these powers a letter must be sent to the Secretary of State, signed by the Chief Executive on behalf of the local authority confirming that the Council has:

2.1.1. Consulted the appropriate Chief Officer of Police.

2.1.2. Carried out a minimum six-week public consultation on the detail of planned civil enforcement of moving traffic contraventions. Consultations should include the types of restrictions to be enforced and the location(s) in question.

2.1.3. Considered all objections raised and has taken such steps the Council considers reasonable to resolve any disputes.

2.1.4. 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.

2.1.5. Ensured all moving traffic restrictions to be enforced will be underpinned by accurate Traffic Regulation Orders and indicated by lawful traffic signs and road markings.

2.1.6. Ensured all the relevant equipment has been certified by the Vehicle Certification Agency specifically for moving traffic contraventions.

## **3. Consultation with the Greater Manchester Police**

3.1. Consultation with the Chief Officer of Police had the following comments:

3.2. *"I have reviewed your bid on behalf of Chief Constable Watson, we do not see any issues with your bid and will inform the DfT as such when they seek confirmation that GMP has no objections."* – Received 03/05/2023 from Gareth Parkin, Superintendent of GMP.

3.3. See Appendix A for copy of email sent.

## **4. Public Consultation**

4.1. A consultation on the Council's bid for receiving enforcement powers for Moving Traffic Offences was undertaken by the Council between 14<sup>th</sup> February 2023 and 28<sup>th</sup> March 2023 This was a six-week consultation that was carried out about the initial sites proposed.

4.2. The Councils initial request for enforcement powers would be utilised at the following five sites:

- A6/George Lane Junction – Enforcement of restricted Right Turn onto A6
- A6/Bramhall Lane Junction – Enforcement of restricted Right Turn onto A6 and restricted Left Turn onto Bramhall Lane
- A6/New Moor Lane – Enforcement of entry into yellow box at junction of New Moor Lane and A6
- Demmings Road/Queens Road – Enforcement of the 7.5-ton weight limit on bridge
- Massie Street/High Street – Enforcement of Restricted Right Turn onto High Street

4.3. In the consultation it was explained that if approved the motorists who contravene these restrictions would be subject to a Penalty Charge Notice (PCN).

4.4. Residents were also informed that for a period of six-months after first receiving these powers, first-time contraventions would be met with a warning, with subsequent offences being subject to a PCN.

4.5. Once the initially requested powers are received, Stockport Council could potentially enforce at other locations, where there are congestions, road safety or infrastructure concerns that would be alleviated by increasing the number of drivers who comply with the rules of the road.

4.6. The consultation was undertaken with the purpose of informing residents of our bid to gain the power and capturing any information or views they may hold.

4.7. Specifically, the aims were to:

- Inform the public of our bid for enforcement powers, and the benefits of Council enforcement
- Receive feedback on the sites selected for initial enforcement, that may require work and investigation before they can be enforced
- Receive suggestions for future site locations for other moving traffic offences
- Receive any comments on our bid for powers, so that any concerns can be addressed and responded to.

#### 4.8. Method of Consultation

4.8.1. A digital consultation available on the Stockport Council consultation webpage: <https://www.stockport.gov.uk/consultations>

4.8.2. This consultation page contained information regarding the aims of the council regarding moving traffic enforcement and a series of survey questions for residents to respond to.

4.8.3. This consultation was advertised by the Councils social media teams around its launch and close to its finish.

#### 4.9. Consultation Response

- 4.9.1. The online survey generated a total of 75 individual online responses. No postal responses were received.
- 4.9.2. Stockport Residents made up most of the responses to this consultation, at 69 respondents (92%). 6 responses (8%) came from those who lived outside Stockport, primarily those from the Greater Manchester area.
- 4.9.3. Sixty percentage of responses were from Private Car Users
- 4.9.4. The remaining forty percent of responses were made up of other methods of sustainable or public transit: walking, cycling, bus or train.
- 4.9.5. Below provides the responses broken down by proposed location of moving traffic enforcement.

### 5. **Demmings Road/Queen's Road Bridge**

- 5.1. The proposed contravention enforcement was a 7.5-ton weight limit.
- 5.2. Seventy-four responses were received regarding the level of support for enforcement

<b>Option</b>	<b>Total</b>	<b>Percentage*</b>
Support Enforcement	52	69
Oppose Enforcement	7	9
Neither Agree nor disagree	6	8
Don't know	9	12
Not Answered	1	1

\*all percentages are rounded to the nearest whole-number.

- 5.3. Responses show most respondents support enforcement at this site for this contravention.
- 5.4. Fifty-One responses were received regarding issues that may impact compliance.

<b>Option</b>	<b>Total</b>	<b>Percentage*</b>
Signage	22	29
Road or Junction Layout	12	16
Lighting	3	4
Other	3	4
Not Answered	45	60

\*all percentages are rounded to the nearest whole-number.

- 5.5. Most responses cite no particular issue at this site, with a small portion citing signage in particular in need of review. This will be reviewed as part of technical approval.

- 5.6. Listed is a summary of various comments received regarding Demmings Road/Queen's Road Bridge:
- Several comments were made regarding SatNav instructions. One response noted that SatNav data does not include weight restrictions, and when faced with a weight restriction sign, it is quicker and easier to drive on, rather than turn around and divert
  - Call for replacement of the bridge, another respondent notes that the bridge needs to be used within safe weight constraints and alternative routes need to be clearly signed
  - Multiple mentions of it being difficult for a larger vehicle (that would violate the weight limit) to turn around at either side of the bridge, another comment lists the width of the road in particular being the reason for this
  - Multiple mentions of ensuring that signage is visible in advance of the bridge, so that non-compliant vehicles are able to divert before reaching the bridge
  - One mention of implementing a 20mph zone
- 5.7. As a result of the consultation, officers propose to complete the technical approval for this location with any amendments deemed necessary to address critical issues highlighted in the response.

## 6. George Road/Wellington Road North (A6)

- 6.1. The proposed contravention enforcement was a restricted right turn at the junction of George's Road and Wellington Road North (A6).
- 6.2. Seventy-four responses were received regarding the level of support for enforcement.

Option	Total	Percentage*
Support Enforcement	49	65%
Oppose Enforcement	14	19%
Neither Agree nor disagree	8	11%
Don't know	3	4%
Not Answered	1	1%

\*all percentages are rounded to the nearest whole-number.

- 6.3. Responses show most respondents support enforcement at this site for this contravention.
- 6.4. Fifty-one Responses were received regarding issues that may impact compliance.

Option	Total	Percentage*
Signage	17	23%
Road or Junction Layout	11	15%
Lighting	1	1%
Other	6	8%
Not Answered	50	66%

\*all percentages are rounded to the nearest whole-number.

- 6.5. Most responses cite no particular issue at this site. All of these will be reviewed as part of technical approval.
- 6.6. Listed is a summary of various comments received regarding Georges Road/Wellington Road North Junction:
- Suggestion of additional markings i.e., a large arrow
  - Note that turning left is the only option because concrete bollards block the road adjacent to the Railway Pub
  - There are mentions that enforcement will cause issues for drivers that are not used to Stockport Town Centre. Another comment mentions a concern regarding penalizing people for making mistakes.
  - One respondent noted they witness a lot of contraventions
  - Several respondent notes that as Travis Brow Link Road exists, George Road is unnecessary and could be closed completely or signage should be installed to direct to Travis Brow
  - Several respondents question whether the restriction is still required.
  - One mention that larger signage is needed.
  - One respondent noted that they see more contraventions for turning left into George Road, than the reverse.
  - One comment raises question of the value of this site for enforcement, and questions how frequently this contravention occurs and the impact on others safety.
- 6.7. As a result of the consultation, officers propose to complete the technical approval for this location with any amendments deemed necessary to address critical issues highlighted in the response.

## 7. Bramhall Lane Junction with A6

- 7.1. The proposed contravention enforcement was a restricted turn between the A6 and Bramhall Lane.
- 7.2. Seventy-two Responses were received regarding the level of support for enforcement.

<b>Option</b>	<b>Total</b>	<b>Percentage*</b>
Support Enforcement	52	69%
Oppose Enforcement	12	16%
Neither Agree nor disagree	5	7%
Don't know	3	4%
Not Answered	3	4%

\*all percentages are rounded to the nearest whole-number.

- 7.3. Responses show most respondents support enforcement at this site for this contravention.
- 7.4. Fifty-one Responses were received regarding issues that may impact compliance.

<b>Option</b>	<b>Total</b>	<b>Percentage*</b>
Signage	15	20%
Road or Junction Layout	12	16%
Lighting	3	4%
Other	2	3%
Not Answered	51	68%

\*all percentages are rounded to the nearest whole-number.

- 7.5. Most responses cite no issue at this site. All of these will be reviewed as part of technical approval.
- 7.6. Listed is a summary of various comments received regarding Bramhall Lane/A6 Junction:
- The existing box junction needs repainting and enforcement.
  - A lack of suitable route for traffic heading towards Bramhall/Davenport/Cheadle Hulme when travelling North on the A6 and this needs to be addressed – Kennerley Road is used for this but is felt to be unsuitable.
  - One suggestion to modify traffic light to show arrows on the lights and extend the central reservation on the A6 to the south of the Junction to make it physically impossible to turn right.
  - Illegal manoeuvres are dangerous to other road users, so enforcement is a good thing
  - One respondent notes the railings look hostile and dangerous for pedestrians
- 7.7. As a result of the consultation, officers propose to complete the technical approval for this location with any amendments deemed necessary to address critical issues highlighted in the response.

## **8. Massie Street Junction with High Street**

- 8.1. The proposed contravention enforcement was a restricted right turn from Massie Street, Cheadle onto High Street, Cheadle.
- 8.2. Sixty-eight responses were received regarding the level of support for enforcement.

<b>Option</b>	<b>Total</b>	<b>Percentage*</b>
Support Enforcement	39	52%
Oppose Enforcement	12	17%
Neither Agree nor disagree	11	15%
Don't know	6	8%
Not Answered	7	9%

\*all percentages are rounded to the nearest whole-number.

- 8.3. Responses show most respondents support enforcement at this site for this contravention.
- 8.4. Forty-eight responses were received regarding issues that may impact compliance.

<b>Option</b>	<b>Total</b>	<b>Percentage*</b>
Signage	13	17%
Road or Junction Layout	15	20%
Lighting	4	5%
Other	4	5%
Not Answered	49	65%

\*all percentages are rounded to the nearest whole-number.

8.5. Most responses cite no issue at this site. All of these will be reviewed as part of technical approval.

8.6. Listed is a summary of various comments received regarding Massie Street:

- Road markings are faded and often invisible if another vehicle is waiting at the junction to turn onto High Street
- “The bottom end of Wilmslow Road is almost always snarled up with traffic at the lights. It could help alleviate that congestion if a right turn was allowed. A box junction on the Massie Street side of High Street could facilitate that manoeuvre.”
- Comment that the junction is difficult for cyclists due to traffic trying to turn right.
- Suggestion to make Massie Street One-Way from the High Street Entrance/No Right Turn from High Street into Massie Street. Alternatively blocking Massie Street and make traffic use other routes.
- Question of how vehicles travel from Massie Street towards Stockport if restriction is enforced.
- Notes that Cheadle High Street is a traffic bottleneck. Drivers wanting to travel east from Massie Street have to turn west, and make a U-turn at some point, or make use of Wilmslow Road and contribute to congestion. Respondent suggests allowing right turn out of Massie Street.
- Comment requesting more advance signage further down Massie Street that can be seen before exiting the car park. Notes that some drivers who are unfamiliar with the area only realise they can't turn right when reaching the junction.
- Respondent notes already well sign posted for No Right Turn.

8.7. As a result of the consultation, officers propose to complete the technical approval for this location with any amendments deemed necessary to address critical issues highlighted in the response.

## **9. New Moor Lane/London Road (A6)**

9.1. The proposed contravention enforcement was a hatched yellow box junction at junction of New Moor Lane and London Road (A6), opposite Sainsbury's Hazel Grove.

9.2. Seventy-five responses were received regarding the level of support for enforcement.



<b>Option</b>	<b>Total</b>	<b>Percentage*</b>
Support Enforcement	44	59%
Oppose Enforcement	19	25%
Neither Agree nor disagree	3	4%
Don't know	6	8%
Not Answered	3	4%

\*all percentages are rounded to the nearest whole-number.

- 9.3. Responses show most respondents support enforcement at this site for this contravention.
- 9.4. Forty-eight responses were received regarding issues that may impact compliance.

<b>Option</b>	<b>Total</b>	<b>Percentage*</b>
Signage	9	12%
Road or Junction Layout	15	20%
Lighting	2	3%
Other	11	15%
Not Answered	45	60%

\*all percentages are rounded to the nearest whole-number.

- 9.5. Most responses cite no issue at this site. All of these will be reviewed as part of technical approval.
- 9.6. Listed is a summary of various comments received regarding New Moor Lane/London Road Junction:
- Multiple respondents have mentioned that the traffic light sequences/synchronisation/phasing isn't suitable. It is in their opinion difficult to know whether you can totally clear the yellow box. One mention of this being frustrating and resulting in traffic build-up.
  - Many comment that the junction is complex and difficult for drivers using it for the first time. There are a large number of potential directions for traffic and vast size of the box make it likely vehicles will get trapped stationary in the box. Four respondent strongly criticised the layout of the junction and its complexity as the cause of all infractions at the junction.
  - Multiple respondents note that the lining work for the box junction is faded and requires maintenance.
  - A respondent questions the need for the yellow box, states traffic signals should be sufficient
  - A respondent noted that when turning right out of New Moor Lane it is easy to misjudge and end up in the box by accident. However also notes that is abused by people going through on amber lights and causing blockage.
  - A respondent stated when this gets blocked, it stops traffic flow on the next light signal.
  - Multiple respondents mentioned the road having too many lanes of traffic. Two respondents request that one of the lanes be converted to a cycle lane.
  - One respondent notes that this is a busy route to a hospital, and keeping the yellow box clear should be maintained for ambulance access.

- One respondent notes that the traffic has been heavy for a long time in Hazel Grove, mentions that a bypass for High Lane would alleviate this.
- One respondent notes that due to the traffic lights sequencing and synchronisation being so bad, that this can only be perceived as a revenue generation scheme.
- One respondent note that when on-foot, pedestrians have to walk around cars that are stopped across the pedestrian crossings.
- One respondent notes that steadily moving traffic suddenly stops, leaving you the choice of an emergency stop (which is dangerous if you are being tailgated) or entering the yellow hatched box.

9.7. As a result of the consultation, officers propose to complete the technical approval for this location with any amendments deemed necessary to address critical issues highlighted in the response.

## 10. General Consultation Comments

10.1. The remaining questions were not specific to any site but are general questions regarding the bid for enforcement powers.

10.2. To the question *“Do you agree with Stockport Council’s plan to use the new enforcement powers based on the benefits this will bring?”* – responses were a gradient of support, from strongly agree to strongly disagree.

10.3. Seventy-five responses were received to this question. For analysis purposes, strongly agree/agree responses have been collated, as have disagree and strongly disagree.

<b>Level of Support with Council Using Enforcement Powers</b>	<b>Total</b>	<b>Percentage</b>
Strongly Agree/Agree	44	59%
Strongly Disagree/Disagree	28	37%
Neither Agree nor disagree	3	4%

10.4. This demonstrates the majority of respondents support the Council taking on these powers and enforcing moving traffic offences.

10.5. *To the question “Do you think using Automatic Number Plate Registration (ANPR) cameras to enforce moving traffic offences at the sites suggested will be beneficial for the following”.*

10.6. This question was presented as a set of multiple choice where respondents could select as many or as few responses as they agreed with.

<b>Benefit to Enforcement</b>	<b>Total</b>	<b>Percentage</b>
Improving Road Safety for all users	42	56%
Reducing congestion	27	36%
Improving journey times	23	31%
Making areas around schools safer	26	35%

Enabling police to focus enforcement elsewhere	30	40%
Not Answered	27	36%

- 10.7. This shows the majority of respondents see taking these powers as a being a benefit to road safety and freeing police to focus on other issues.
- 10.8. To the question *“In the interest of promoting road safety and reducing congestion of the highway, are there any locations you believe would benefit from camera enforcement in the future, were Stockport council to acquire Moving Traffic Offences enforcement powers.”*
- 10.9. There was a total of forty responses to this question.
- 10.10. Not all responses listed specific sites, and some responses were requesting enforcement that wouldn't be able to be enforced as part of these powers Stockport Council is applying for.
- 10.11. Any sites to be enforced in the future will need a full assessment starting with 'is the current layout and orders fit for purpose' if so a full technical approval will be undertaken.
- 10.12. Respondents mentioned some of the following offences in need of enforcement:
- School Streets
  - Cycle Lane Parking
  - No-Entry
  - Restricted Turns
  - Bus Lanes
  - Speeding
  - Yellow Box Junctions
  - Red Light Jumping
  - Parking Restrictions
  - Mobile Phone Use While Driving
  - Weight Limit
- 10.13. To the free comment section of the questionnaire where respondents were told *“We welcome and other comments you have on the proposed changes to the enforcement of moving traffic offences - In the box below, please provide any additional comments or suggestions that you have relating to the introduction of the moving traffic offence”*
- 10.14. This question was used as a catch-all for any comments that fall outside the prevue of other questions.
- 10.15. Some respondents have responded to other questions in the survey with general comments. Those comments if not also expressed in this section, will be discussed here.
- 10.16. Forty-four responses were received to this question

10.17. Below is a summary of common trends mentioned among respondents – some comments will overlap between two different trends in their comments based on the level of detail provided.

- Nine respondents expressed further support for the scheme in their comments
- Seven respondents expressed further opposition for the scheme in their comments.
- Six respondents have expressed that they believe enforcement powers should either be the sole responsibility of the police, or that the police should still enforce these offences alongside the Council.
- Eight respondents have expressed concern that the Council taking enforcement powers will be used to generate profit for the Council. Two comments reference the revenue generated by the Heaton Lane Bus Gate as a cause for concern.
- Two respondents have mentioned speeding as a frequent concern in need of enforcement.
- A respondent noted that these powers will penalise motorists.
- A respondent noted that fines are only functionally punishments for poorer motorists.
- A respondent has suggested that instead of issuing fines, the Council should instead contact the contravener to make them aware of their offense and pass their information to the police without issuing a PCN.
- Several respondents have raised concerns of privacy with regard to the deployment of APNR.
- One mention that APNR wouldn't have any impact on cyclists who break highway code.
- One respondent while supportive of the use of ANPR for increasing safety, notes that automatic systems often punish motorists for genuine mistakes with the same severity as flagrant breaching of regulations, which is noted as being an issue due to the current economic crisis making fines potentially very disruptive.

10.18. Currently Officers believe having considered the above comments, the Council should still pursue the process of obtaining enforcement powers

10.19. To address some of the comments received, a list of Council responses has been provided below:

- Regarding comments that traffic enforcement should be the responsibility of the police – Stockport Council has received support from GMP in their bid for powers. This will allow the police to focus resources on other areas, while still enabling enforcement to encourage compliance with traffic regulation orders to facilitate road safety.
- Regarding comments that enforcement will be used to generate profit for the Council – If successful in our bid, the Council will be required to advertise that these traffic offences will be enforced, giving notice to allow time for motorists to change their behaviour, therefore not requiring a PCN to be issued. When powers are first taken, for the first 6-month period, warnings will be issued upon first offences, again giving motorists an opportunity to change behaviour before

being charged. The funding for the acquisition of these powers is intended to be self-funded, any monies raised by PCNs will be ring-fenced to go towards running the enforcement of PCNs, and any additional funds would be ring fenced for use in Highways schemes. Finally, the intent of taking these powers is to change behaviour and ensure compliance with existing Traffic Regulation Orders – if the orders are followed correctly, there would be no income from PCNs for the Council.

- Regarding comments raising concerns of privacy – all cameras used for enforcement will only be gathering license plate information, not personal information is intended to be gathered by these cameras. All data gathered will be stored securely off-site with the required digital security, as per the legal requirement from GDPR.

## 11. Progress to Date and Next Steps

- 11.1. We intend to apply to the secretary of state with our initial bid for powers before 25<sup>th</sup> October 2023 as part of Tranche 3.
- 11.2. To achieve this, we must have the following elements in place.

Requirement	Completed	Estimate Time for Completion if applicable
Consulted with Chief Officer of Police	Yes	The email received indicating support from GMP has been attached in the appendix as Appendix A
Has the Council carried out public engagement for minimum of six-week period	Yes	Consultation with the public has been carried out, and the results of such have been listed above in the report.
Did this exercise set out rationale for, and benefits of, moving traffic enforcement and provide the opportunity for them to raise concerns?	Yes	The consultation explained the rationale for taking on these powers and the potential benefits. <a href="#">Consultation report to Area Committees</a>
Has the Council taken appropriate steps to resolve all objections	Yes	Responses to common objections raised in the consultation have been included above
Has the Council carried out effective public communication and	Yes	The council advertised the consultation through our social

engagement, using the full range of media available		media channels as the consultation launched and was approaching its close.
Will this public communication and engagement continue up to the start of enforcement and for a reasonable period thereafter	On-going	June - A full communications strategy for the civil enforcement of Moving Traffic Offences will begin development shortly.
Has the Council ensured that enforcement of moving traffic restrictions will be underpinned by accurate TROs where applicable and indicated by lawful traffic signs and markings	On-going	June - Officers are underway with technical surveys of sites, as well as checking that underpinning TROs (if required) are in-place and mapped correctly.
Has the Council ensured all the relevant equipment has been certified by the Vehicle Certification Agency (VCA) specifically for moving traffic contraventions	No	August/September
Do you undertake to carry out all of the above steps in respect of any new camera locations in the future?	Yes	TBD

11.3. The initial 5 locations will be rolled out utilising both fixed cameras and the camera car. Although the National Government has not confirmed the date when the powers will be confirmed we anticipate these will be received in spring 2024. Officers are currently exploring options for how enforcement, including the back-office processing, will be undertaken for these sites. There will be a need for initial funding to support the installation of required infrastructure. However, this can be reimbursed from the PCNs issued. Full financial implications will only be known once the Council has undertaken the procurement exercise for the contracts necessary to provide the CCTV cameras to implement this proposal. However, it would be reasonable to estimate that cost of implementation could be in the region of £30 to 50k per location with additional ongoing operational costs.

11.4. Once the Authority has acquired the enforcement powers, as further existing moving traffic TRO sites are considered for enforcement, it will be necessary to undertake the same formal process of technical and legal approval to establish both the site is correctly signed under the current legislation and the sealed legal traffic regulation order is available if required. This process would allow

consideration of need for some moving traffic TRO's especially where the original requirement maybe no longer exists, for example an environmental weight restriction whereby the original business associated is no longer present.

11.5. Such an approach would be incremental and would allow a degree of direction around which existing sites to prioritise within the overall scope of the moving traffic enforcement aims. It would be difficult to assess individual establishment costs at each site would depend upon several factors such as size and complexity of the enforcement area and availability of infrastructure on which to site enforcing apparatus. However, it is understood that new schemes should not be initialised if they do not have sufficient funding in place.

11.6. As part of the process of delivery an enforcement policy will be developed which will develop a process for selecting sites which need enforcement and prioritising schemes to manage the demands for schemes.

## **12. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

12.1. The powers to be adopted are intended to be self-financing from received PCN charges. However, there is always a risk that the number of PCNs does not meet costs. It should be clearly noted that the funds from these schemes issuing PCNs must be utilised on highway related expenditure and only once costs of the scheme have been covered.

## **13. LEGAL CONSIDERATIONS**

13.1. The Monitoring Officer has reviewed this report. All locations subject to enforcement will require accurate and lawful traffic regulation orders. However, this is already required for the current system of enforcement..

## **14. HUMAN RESOURCES IMPACT**

14.1. Utilisation of new enforcement powers will be undertaken within the current resources of the Council.

## **15. EQUALITIES IMPACT**

15.1. The Council has a legal duty to prevent unlawful discrimination against people with protected characteristics under the Equality Act 2010. Therefore, an Equality Impact Assessment has been carried out and is attached to this report. The EQIA shows a positive overall impact of adopting these powers.

## **16. ENVIRONMENTAL IMPACT**

16.1. The Council has declared a climate emergency and agreed a target to achieve net-zero carbon emissions by 2030. Therefore, an Environmental Impact Assessment has been carried out and is attached to this report. The EIA shows a neutral impact overall of adopting these powers.

## **17. Proposed Recommendation to Cabinet**

17.1. Cabinet is requested to approve Officers completing the remaining steps required to request the enforcement powers

17.2. Cabinet is requested to delegate the final application to the Secretary of State for the transfer of powers to enforce moving traffic orders to the Chief Executive in consultation with the Cabinet Member Parks, Highways and Transport Services.

## **18. Scrutiny Recommendation**

18.1. Scrutiny is requested to support the proposed request for enforcement powers as outlined in the report above.

### **BACKGROUND PAPERS**

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Sue Stevenson on Tel: 0161-474-4351 or by email on [sue.stevenson@stockport.gov.uk](mailto:sue.stevenson@stockport.gov.uk)

Appendix A – Email evidence of GMP Support for SMBC's Bid for Enforcement Powers