

**Committee Name and Date of Committee Meeting**

Delegated Officer Decision – 31 January 2023

**Report Title**

Traffic Management Act 2004 Application for Moving Traffic Enforcement powers – Consultation update and approval to submit application to the Department for Transport

**Is this a Key Decision and has it been included on the Forward Plan?**

No

**Strategic Director Approving Submission of the Report**

Paul Woodcock, Strategic Director of Regeneration and Environment

**Report Author(s)**

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**Ward(s) Affected**

Borough-Wide

**Report Summary**

Rotherham Metropolitan Borough Council has the opportunity to apply for new civil enforce powers in relation to moving traffic regulations under Part 6 of the Traffic Management Act 2004 (TMA) that will allow it to enforce certain types of moving traffic restrictions. This report sets out the recent consultation findings and seeks approval to apply to the Department for Transport to obtain the relevant powers.

**Recommendations**

1. That further to the work detailed in sections 2 and 4 of this report and decision approved by Cabinet on 19 December 2022, approval be given to submit the Council's application to the Department for Transport for the new civil powers to enforce moving traffic regulations under Part 6 of the Traffic Management Act 2004.

**List of Appendices Included**

Appendix 1 Initial Equalities Screening Assessment (Part A)  
Appendix 2 Carbon Impact Assessment

**Background Papers**

Cabinet – 14 February 2022

Delegated Officer Decision – 10 November 2022

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Cabinet – 19 December 2022

**Council Approval Required**

No

**Exempt from the Press and Public**

No

**Insert report title here** Traffic Management Act 2004 Application for Moving Traffic Enforcement powers – Consultation update and approval to submit application to the Department for Transport

**1. Background**

1.1	In August 2021, the Department of Transport (DfT) announced the opportunity for local authorities to apply for powers to enforce moving traffic offences. The aim is to create a cohesive civil enforcement regime that removes numerous inconsistencies to enable more efficient administration of the regulations contained in the TMA, helping Rotherham to reduce congestion and improve air quality, whilst also reducing the risk of road traffic collisions and casualties. It will also enable the Council to promote active travel by removing vehicles from areas such as cycle lanes and pedestrianised areas.
1.2	In February 2022, Cabinet agreed for investigatory works to be undertaken to ascertain whether the Council wishes to apply to DfT to secure the powers for feasibility work to be carried out, to identify sites which could benefit from enforcement and to engage with all relevant stakeholders.
1.3	In November 2022, a Delegated Office Decision report was submitted which outlined that the current Government guidance requires a six-week public consultation for the sites involved prior to an application being made to the DfT and set out the proposals for the consultation. Approval was granted and consultation commenced.
1.4	In December 2022, a Cabinet report was submitted providing an update on the ongoing process required to successfully obtain and implement the new powers. Cabinet gave approval to the Strategic Director for Regeneration & Environment, in consultation with the Cabinet Member for Transport and Environment, to proceed with the relevant works and submit the Council's application to the DfT for powers to enforce moving traffic offences under Part 6 TMA 2004.
<b>2.</b>	<b>Key Issues</b>
2.1	The Council's application letter must confirm that it has been sent with the authority of the Council, and that the Council has already: <ul style="list-style-type: none"> <li>a) Consulted the appropriate Chief Officer of Police;</li> <li>b) Carried out a minimum six-week public consultation;</li> <li>c) Considered all objections raised and has taken such steps the Council considers reasonable to resolve any disputes;</li> <li>d) Carried out effective public communication and engagement as the Council considers appropriate...up to the start of enforcement and for a reasonable period thereafter;</li> <li>e) Ensured all moving traffic restrictions to be enforced will be underpinned by accurate Traffic Regulation Orders (TROs), where applicable, and indicated by lawful traffic signs and road markings;</li> <li>f) Ensured all the relevant equipment has been certified by the Vehicle Certification Agency (VCA) specifically for moving traffic contraventions.</li> </ul>
2.2	All the activities stated above in items a) to f) have been completed in preparation for submission of the Council's application for Moving Traffic Enforcement powers.

2.3	Once the new enforcement powers are in place, South Yorkshire Police will retain the ability to enforce restrictions. In the unlikely event that a motorist is issued a Penalty Charge Notice from RMBC and a Fixed Penalty Notice from the Police for the same contravention, Police enforcement would take precedence by agreement with both parties.														
2.4	<p>Sites initially identified for consideration as part of the TMA Part 6 powers application process, and which were included in the consultation from 11<sup>th</sup> November – 23<sup>rd</sup> December 2022 are listed below.</p> <table border="1" data-bbox="284 521 1552 786"> <thead> <tr> <th data-bbox="284 521 608 562">Location</th> <th data-bbox="608 521 1552 562">Enforcement requirement</th> </tr> </thead> <tbody> <tr> <td data-bbox="284 562 608 602">Bridgegate</td> <td data-bbox="608 562 1552 602">Vehicle access restrictions</td> </tr> <tr> <td data-bbox="284 602 608 642">High Street</td> <td data-bbox="608 602 1552 642">Vehicle access period</td> </tr> <tr> <td data-bbox="284 642 608 683">Clifton Lane</td> <td data-bbox="608 642 1552 683">Banned Left Turn - from Clifton Lane into Doncaster Gate;</td> </tr> <tr> <td data-bbox="284 683 608 723">Clifton Lane</td> <td data-bbox="608 683 1552 723">Banned Left Turn - from Doncaster Road into Clifton Lane</td> </tr> <tr> <td data-bbox="284 723 608 763">Sheffield Lane</td> <td data-bbox="608 723 1552 763">No Entry</td> </tr> <tr> <td data-bbox="284 763 608 786">Wood Lane</td> <td data-bbox="608 763 1552 786">Bus Gate</td> </tr> </tbody> </table>	Location	Enforcement requirement	Bridgegate	Vehicle access restrictions	High Street	Vehicle access period	Clifton Lane	Banned Left Turn - from Clifton Lane into Doncaster Gate;	Clifton Lane	Banned Left Turn - from Doncaster Road into Clifton Lane	Sheffield Lane	No Entry	Wood Lane	Bus Gate
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2.5	<p>Analysis of the site traffic movement data has been collected and this work has identified that all sites have some level of digression, the figures shown cover the period 18/10/22 - 24/10/22.</p> <table border="1" data-bbox="284 976 1552 1205"> <thead> <tr> <th data-bbox="284 976 914 1016">Survey site</th> <th data-bbox="914 976 1552 1016">Number of non-compliances</th> </tr> </thead> <tbody> <tr> <td data-bbox="284 1016 914 1057">Bridgegate</td> <td data-bbox="914 1016 1552 1057">123</td> </tr> <tr> <td data-bbox="284 1057 914 1097">High Street</td> <td data-bbox="914 1057 1552 1097">990 west bound, 34 eastbound</td> </tr> <tr> <td data-bbox="284 1097 914 1137">Sheffield Lane</td> <td data-bbox="914 1097 1552 1137">667</td> </tr> <tr> <td data-bbox="284 1137 914 1178">Clifton Lane (2 sites)</td> <td data-bbox="914 1137 1552 1178">194</td> </tr> <tr> <td data-bbox="284 1178 914 1205">Wood Lane</td> <td data-bbox="914 1178 1552 1205">3138</td> </tr> </tbody> </table>	Survey site	Number of non-compliances	Bridgegate	123	High Street	990 west bound, 34 eastbound	Sheffield Lane	667	Clifton Lane (2 sites)	194	Wood Lane	3138		
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2.6	Analysis of the consultation feedback is complete and changes have been made to the proposed application to reflect issues raised. These changes are reflected in the application to the DfT which if approved will be laid before Parliament in June 2023. It is anticipated that the powers will be granted in July or August 2023 dependent on Parliamentary business pressures.														
2.7	<p><b>Site:</b> Bridgegate: Part of the Town Centre Pedestrian Zone  <b>Objective:</b> Vehicle Access Restrictions 10am – 4pm - Town Centre</p> <p>The overall consultation response was positive however businesses expressed concerns regarding deliveries. The Council will investigate these concerns in relation to business operations and identify options to resolve any conflicts with access and loading requirements prior to implementing enforcement measures.</p>														
2.8	<p><b>Site:</b> High Street: Separate Pedestrian Zone  <b>Objective:</b> Vehicle Access Restrictions 10am – 4pm – Town Centre</p> <p>As with Bridgegate, the measures are generally welcomed. The Council will clarify the requirements of business operations and identify options to resolve any concerns raised with regards to access and loading.</p>														

2.9	<p><b>Site:</b> Clifton Lane Crossroads  <b>Objective:</b> Two banned left turns - one into Clifton Lane from Doncaster Road and one out of Clifton Lane onto Doncaster Road - Clifton</p> <p>Responses were majority positive with a small number of respondents raising concerns about the existing restrictions causing movement issues and creating congestion. It was mentioned by multiple respondents that signage for the banned turn is unclear and this will be reviewed before enforcement commences.</p>						
2.10	<p>The Council will consider improved vehicle direction signage options to resolve any concerns raised with regards to access to adjacent roads.</p>						
2.11	<p><b>Site:</b> Sheffield Lane Adjacent to Fenney Way  <b>Objective:</b> No-Entry into Sheffield Lane – Catcliffe</p> <p>The responses to the enforcement of the no entry restriction were positive with residents reporting rat-running on the road (in contravention of the no-entry signage) with a number of responses suggesting greater enforcement of other access restrictions in the area. The Council will investigate concerns raised with regards to access and other restrictions on Sheffield Lane prior to implementation of enforcement measures.</p>						
2.12	<p><b>Site:</b> Wood Lane  <b>Objective:</b> Bus Gate Restriction – Brinsworth</p> <p>Due to the small number of properties adjacent to the restriction only one physical response made mention of Wood Lane, however there are numerous online responses relating to the site that are majority negative observing that no buses currently use the route, and suggesting that it be re-opened to all traffic to reduce congestion in Catcliffe and provide an alternative access during flood events in the area.</p>						
2.13	<p>The Council will investigate future bus operations with SYMCA and consider options to resolve concerns regarding flood access. The objections raised in relation to these issues are outside the scope of the consultation which relates purely to the existing traffic regulation.</p>						
2.14	<p>The ongoing investigatory works identified that Wood Lane Bus Gate does not currently fully meet the criteria set by DfT for the designation of moving traffic enforcement powers being granted. These issues can be overcome but with the restricted time frame to submit applications, it is proposed to remove this site from the DfT's application and review process, with the aim of continuing to work on the site outside the application process in preparation for reconsideration under the new powers in due course.</p>						
2.15	<p>As a result of the analysis of consultation feedback and taking account of the findings of site survey work, the sites to be progressed to submission as part of the TMA Part 6 powers application are listed below.</p>						
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<b>3.</b>	<b>Options considered and recommended proposal</b>	
3.1	Option 1: Do not apply to DfT for the powers to undertake the civil enforcement of moving traffic offences and leave enforcement of this to the Police who have limited resources to deal with these issues and who cannot enforce the restriction 24/7.	
3.2	Option 2: Apply to government for all sites initial considered even though there are a number of issues with regards to Wood Lane as specified in section 2. If the application is rejected due to this site, submission will have to wait for the next round of submissions to apply and there currently isn't a date specified when this will happen.	
3.3	Option 3: submission of an application to government, now that consultation is completed, in time to meet the tranche 2 deadline of February 15 <sup>th</sup> 2023, with the sites specified in section 2.15. This is the recommended option.	
<b>4.</b>	<b>Consultation</b>	
4.1	The following organisations and stakeholders have been engaged with during the feasibility study phase of this work: -	
	<ul style="list-style-type: none"> <li>• Chief Constable of South Yorkshire Police</li> <li>• South Yorkshire Mayoral Combined Authority regarding locations where bus lane enforcement would be beneficial</li> </ul>	
4.2	The Council has also undertaken consultation with statutory consultees, affected Ward Councillor and Parish Councillors, with members of the public in the vicinity of the locations and the wider public by utilising a wide range of media communication systems detailed below.	
	<ul style="list-style-type: none"> <li>• Email consultation with statutory consultees, affected ward members and Parish Council Councillors sent out 11<sup>th</sup> November</li> <li>• RMBC issued a press release to the media and published on the Council's website news section on the 17th November, 28th November</li> <li>• Quarter page advert printed in the Rotherham Advertiser Friday 18th November</li> <li>• 3 day advert on-line in the Rotherham Advertiser Friday 18th – 20<sup>th</sup> November</li> <li>• 7 day advert on-line in the Rotherham Advertiser Friday 1st – 7<sup>th</sup> December</li> <li>• 750 letters dropped to residents and businesses in close proximity to the enforcement sites, setting out details of the project with a response form sent out 18<sup>th</sup> November</li> <li>• RMBC website displayed details of the proposals together with a response form that was active between 21<sup>st</sup> November 2022 and 6<sup>th</sup> January 2023</li> <li>• RMBC issued social media posts on Twitter and Facebook on the 28<sup>th</sup> and 30<sup>th</sup> November, 4<sup>th</sup> December, 8<sup>th</sup> December, 17<sup>th</sup> December and the 21<sup>st</sup> December.</li> </ul>	
4.3	When undertaking the consultation, the DfT indicated that local authorities are not required to seek the views of the public on whether they agree with the principle of	

	moving traffic enforcement of these sites, as they are already existing restrictions, but instead communicate the rationale and benefits of moving traffic enforcement of the sites, whilst giving the public the opportunity to raise any issues they have encountered at the locations that can then be feed back into the site analysis process. This has been completed as detailed in section 2, above.
4.4	Local authorities are advised to consider the full range of media available to them when communicating with the public, including websites, local press, and social media. The RMBC communications team has supported the development of the consultation media as specified in section 4.2.
4.5	The review of the consultation data has been completed and, where necessary to do so, the Council will take steps to implement improvements to the sites submitted, prior to the sites going live in 2024.
<b>5</b>	<b>Timetable and Accountability for Implementing this Decision</b>
5.1	Consultation took place between 11 <sup>th</sup> November 2022 and 6 <sup>th</sup> January 2023. Comments and feedback from the consultation have been reviewed and will be used to inform any site improvements required.
5.2	In December 2022 a Cabinet report was submitted providing an update on the ongoing application process. Cabinet gave approval to the Strategic Director for Regeneration & Environment, in consultation with the Cabinet Member for Transport and Environment, to proceed with the relevant works and submit the Council's application to the Department for Transport for powers to enforce moving traffic offences under Pt 6 TMA 2004.
5.3	If this report is approved, the Council's application to the Department of Transport for designation of the requisite powers will be progressed and submitted prior to the closing date of 15 <sup>th</sup> February 2023.
5.4	Approved applications by the DfT will be laid before parliament in June 2023 and it is anticipated that the powers will be granted in July or August 2023 dependent on Parliamentary business pressures.
5.5	Parking Services' operational policies and processes will be updated in line with the new restrictions introduced in the Moving Traffic Offences legislation, prior to the sites going live in 2024.
5.6	Continue the review and implementations of agreed improvements to assist driver compliance with the restrictions on site and design up the additional camera enforcement site specific signage, prior to the sites going live in 2024.
<b>6.</b>	<b>Financial and Procurement Advice and Implications</b>
6.1	The cost of the officer time to seek approval to delegate the submission of the Council's application to the Department for Transport is covered under existing approved budgets. The financial implications for further implementation will progress in line with plans that are dependent on funding being available.

<b>7.</b>	<b>Legal Advice and Implications</b>
7.1	As stated in the body of the report, the Council may make a request to the Secretary of State for the power to enforce offences under the Traffic Management Act 2004 and also apply to enforce the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005.
7.2	The process for making the application for approvals is set out in the body of the report and the previous report to Cabinet. This report outlines one of the final steps necessary in the process to enable the Council's application for powers to enforce moving traffic offences.
<b>8.</b>	<b>Human Resources Advice and Implications</b>
8.1	There are no human resources implications arising from this report.
8.2	This scheme will be delivered using existing staff resources within the Transportation and Highways Design Service within Planning, Regeneration and Transportation. Specialist consultants will be used where required.
<b>9.</b>	<b>Implications for Children and Young People and Vulnerable Adults</b>
9.1	There are no specific implications for children, young people and vulnerable adults arising directly from the feasibility work. However, enforcement of moving traffic offences across the borough can be considered to benefit these groups as it should stop poor driver behaviour at certain junctions, crossings, cycle facilities, out-side schools and in pedestrian areas, which these groups of people use most frequently when moving around the borough.
<b>10.</b>	<b>Equalities and Human Rights Advice and Implications</b>
	An Equalities Assessment has been completed for this report and is attached at Appendix 1. There are no potential equality implications arising from the proposals. The scheme should improve the roads in Rotherham for all road users.
<b>11.</b>	<b>Implications for CO2 Emissions and Climate Change</b>
11.1	The powers to enforce the moving traffic offences should produce a marginal reduction of CO2 emissions in the borough as more sites are added, and the carbon impact of new equipment will be offset as enforcement is intended to stop inappropriate behaviour such as the blocking of junctions that increase pollution due to the build-up of congestion.
11.2	A Carbon Impact Assessment has been completed for this report and is attached at Appendix 2.
<b>12.</b>	<b>Implications for Partners</b>
12.1	Consultation with key partners is identified in sections 2 and 4 above. A further beneficial impact of effective moving traffic enforcement will be reduced congestion and therefore



	delay for all vehicle types, but especially public transport and heavy goods vehicles supplying industry.
<b>13.</b>	<b>Risks and Mitigation</b>
13.1	There is a risk that without designation of these powers, South Yorkshire Police will focus on their core responsibilities due to their limited resources as they cannot afford to monitor and enforce the restriction 24/7 and without the council having the ability to enforce such restrictions it may adversely affect overall network management with the potential for more road traffic collisions, congestion and reduced public transport journey time reliability.
<b>14.</b>	<b>Accountable Officers</b>
	Andrew Moss, Interim Head of Transport Infrastructure Service

Approvals obtained on behalf of Statutory Officers: -

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Sharon Kemp	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Choose an item.	
Head of Legal Services (Monitoring Officer)	Choose an item.	

*Report Author:* Richard Pardy,  
Engineer, Transport Infrastructure Service **Error! Reference source not found.**

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