

Future Direction of Highway Network Management

Report of the Chief Officer for Highways, Infrastructure Development and Waste

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendations:

- (a) that subject to a positive business case, that a Roadworks Permit Scheme be consulted upon;
- (b) that the policy dealing with 'persistent evaders' of parking enforcement be approved;
- (c) that the County Council's speed management policy be reviewed; and
- (d) that the position on the enforcement of bus lanes and box junction infringements be noted.

1. Summary

This report provides an overview of key traffic management operational issues requiring development and implementation across the County in the coming years to ensure the safe and expeditious movement of traffic on the highway network.

2. Background/Introduction

The Devon Network Management Plan was adopted by the County Council almost ten years ago in November 2008. The purpose of the Plan was to provide the strategic direction of the Council in discharging our Statutory Duty of the Traffic Management Act. The ethos of the Plan remains in that we want to ensure the expeditious movement of traffic on our network and that of others, for example neighbouring authorities and Highways England. However, it is considered some key areas require revisiting in determining how we function in future and therefore how the highway network is managed.

3. Proposal

Management of Roadworks

Devon County Council currently works to a noticing system whereby works promoters such as utility providers and private developers inform us of any planned works, equally we notice our own works on the highway to the same principles. Across Devon we receive approximately 35,000 notices per annum for works on the highway. There are set timescales for the notice periods required depending on the nature of the work.

An alternative approach to the management of roadworks is that of a highway permit scheme. Instead of giving notice of works, 'approval to work' is sought by works promoters from the highway authority to work on the highway and a 'permit to work' is issued, or not. Permits have an associated fee, set within maximums prescribed by the Department for Transport (DfT) and various conditions can be attached to the permit, for example times of working and any special requirements specific to the location. Highway Authorities are able

to tailor permit fees, including discounts, to different road types, times of day and times of year to encourage efficient working practices and minimise disruption on the network.

The DfT estimates that Authorities introducing such schemes tend to see a reduction in disruption of between 5-10%, by virtue of the fact that the Highway Authority has greater control of works. Additionally, the fact that daily occupation is charged for, in theory promotes greater financial incentive for works to be completed promptly and coordinated more effectively.

Building upon pre-feasibility work undertaken, which appears to show such a scheme would be broadly revenue neutral, it would be proposed that subject to positive business case (including wider benefits to society) that we consult with stakeholders on the idea of introducing a Roadworks Permit scheme.

Further background information on Roadworks Permit schemes can be found in Appendix I.

Persistent Evaders of Civil Parking Enforcement

After delivering the Civil Parking Enforcement service directly in-house for four years, we have evidence of a number of UK vehicles and foreign registered vehicles which are repeatedly found contravening parking restrictions and owners not engaging with the appeals process or paying their penalty charges and associated costs. Department for Transport guidance identifies persistent evaders as those who have 3 or more Penalty Charge Notices (PCNs) and who have not engaged with the process. In Devon, in the region of 1,000 vehicles acquiring PCNs since 2014 fall into scope. The potential value of the outstanding debt being in the order of £400,000.

If owners / registered keepers are unwilling to pay or engage with the appeals process, and avoid detection of debt enforcement agents, there is little to prevent that owner's / registered keeper's vehicle repeatedly parking in contravention of restrictions without ever paying parking fees or charges.

The proposal is to extend the Council's enforcement activity to be able to remove or seize any vehicle, where the owner / keeper is identified as a persistent evader where appropriate in accordance with The Traffic Management Act 2004, The Road Traffic Regulation Act 1984 and the Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions to tackle this antisocial behaviour. Fees associated with this are set nationally which Devon would adopt and follow.

A procurement exercise would need to be undertaken to identify an approved contractor for the removal/seizure of vehicles.

This approach would only require action in the most extreme of cases and would be anticipated to be a meaningful deterrent once publicised. Fuller detail on the Policy can be found in Appendix II.

Speed Management

We have a sound evidence based policy and procedure in place to review and where applicable act on speeding concerns, following and building on National Guidance from the DfT. We anticipate that DfT will be issuing revised guidance on 20mph restrictions shortly and therefore this provides an opportunity to reflect on our wider approach which is some 12 years old. It is therefore proposed that our current policy be reviewed. The Corporate, Infrastructure & Regulatory Services Scrutiny Committee has received a briefing on the current policy and procedures in place which Officers follow when dealing with speed issues, and has formed a task group to look at this in more detail.

Bus Lanes and Box Junction Enforcement

There appears to be a growing interest in whether the authority should introduce bus lane and box junction moving traffic violation enforcement using camera technology.

For clarity Devon County Council does have power to enforce moving traffic violations in bus lanes through the Public Transport Act but no powers to enforce box junction violations, that is a matter for the Police.

Officers will engage with the Police to request greater attention be given to box junctions to help better manage traffic flow, in addition to pressing for powers to be devolved to local authorities to enforce such offences.

Parking in bus lanes can be dealt with through Civil Parking Enforcement powers where there is an associated Traffic Regulation Order in place to prohibit parking. Should Devon County Council wish to use its powers to introduce moving traffic enforcement, as opposed to parking, in bus lanes there should be a network management need to do so. To date surveys haven't identified any significant network management need for intervention and feedback from Stagecoach has indicated the problem for them is more of an issue of errant parking in bus lanes. Efforts therefore are being focussed at additional parking enforcement in bus lanes rather than seeking to widen enforcement to moving traffic offences in bus lanes.

Other ongoing work streams

Whilst not requiring any decision from Cabinet, for information Officers are also currently investigating the following which may require some form of policy position from the Council in future. This is likely to include a refreshed Network Management Plan if a Roadworks Permit scheme is pursued:

- Establishing whether there is any cost-efficient mechanism for the roll out of electric vehicle charging points in appropriate locations on the highway.
- Gaining a better understanding of the likely impact of autonomous vehicles on the local highway network.
- Emerging national legislation on "pavement" parking, the Authority will continue to seek to inform national decision making by gathering data on issues being presented within the county.
- Emerging technology to better manage the highway network.

4. Consultations

It is considered that the various strands above require different approaches to consultation.

Any Roadworks Permit scheme requires consultation and this would include statutory undertakers but also be open to members of the public and any other interested parties.

Any revision to the Speed Management policy would seek the views of statutory consultees in shaping and similarly any other interested consultee could comment via dedicated webpage provision.

5. Financial Considerations

A key thread running throughout the proposals is that none of the proposals are designed to generate income/profit to the Local Authority, they are designed to affect behavioural change be it of works promoters or individuals and assist in discharging the duty to secure the expeditious movement of traffic on the network.

Initial investigations have demonstrated that a Roadworks Permit Scheme would be broadly revenue neutral, this will be further tested, including the wider economic benefits through the business case development and presented to Cabinet in future.

6. Environmental Impact Considerations

Congestion of the highway network can not only create delays but adverse air quality, the proposals put forward are all aimed at securing the expeditious and safe movement of traffic on the highway network.

7. Equality Considerations

An impact assessment has been undertaken, for how we propose to deal with persistent evaders of civil parking enforcement. The Impact Assessment has been prepared and circulated separately to Cabinet Members and also is available on the Council's website <https://new.devon.gov.uk/impact/published/>, which Members will need to consider for the purposes of this item.

8. Legal Considerations

The lawful implications/consequences of the proposals have been considered and taken into account in the preparation of this report/formulation of the recommendations set out above.

When making a Traffic Regulation Order it is the County Council responsibility to ensure that all relevant legislation is complied with. This includes Section 122 of the Road Traffic Regulation Act 1984 that states that it is the duty of a local authority, so far as practicable, secures the expeditious, convenient and safe movement of traffic and provision of parking facilities.

9. Risk Management Considerations

This policy/proposal has been assessed and all necessary safeguards or action have been taken/included to safeguard the Council's position.

10. Public Health Impact

There are no anticipated adverse public health impacts to the proposals in the report. These proposals are intended to assist in the management of the highway network and support the objectives of the Devon Local Transport Plan including the encouragement of sustainable travel such as walking and cycling.

11. Options/Alternatives

The following are alternatives that are available to make best use of the highway network.

Management of Roadworks

Option A Continue with current Noticing Arrangement.

Persistent Evaders of Civil Parking Enforcement

Option A Continue with current position.

12. Reason for Recommendations

Management of Roadworks

The only current alternative to a how we manage roadworks is a highways permit scheme, whilst it is not considered that our current approach is failing it is apparent that other local authorities are seeing benefit from introducing such a scheme. It is therefore considered appropriate that we explore the option further and understand the implications to both us, works promoters and wider society of doing so.

Persistent Evaders of Civil Parking Enforcement

We are currently unable to deal with persistent evaders in any meaningful way beyond debt registry (where keeper details are known), and the provision of vehicle details to the Police and DVLA in other cases. It is considered that the proposed option would act as a meaningful deterrent going forward and would only be used in extreme cases.

Speed Management

The current speed management policy is some twelve years old and it is accepted that it should be reviewed, it is considered prudent to review our policy once DfT guidance has been revised. However, should there be any further delay in the issuing of guidance it is proposed that the review should commence, at the latest in the Summer of 2018.

Bus Lanes and Box Junction Enforcement

The Authority could commence enforcement of moving traffic offences associated with vehicles travelling in bus lanes but there is not considered to be a network management need from either the perspective of Officers involved in traffic management or the main public transport operator using the infrastructure. To do so would arguably be simply as a mechanism to raise revenue rather than tackle a network management need and as such arguably be illegal. However, the focus will be given to additional Civil Parking Enforcement patrols to tackle the identified problem of parking in bus lanes.

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Electoral Divisions: All

Cabinet Member for Highway Management: Councillor Stuart Hughes

Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Reference
Impact Assessment on persistent evaders of civil parking enforcement	May 2018	https://new.devon.gov.uk/impact/published/
ms040518cab Future direction of Highway Network Management	hk	07 010618

Additional Roadworks Permit Scheme Background Information

Full guidance to local highway authorities on Roadworks Permit Schemes can be found at:

<https://www.gov.uk/government/publications/street-works-the-2007-permit-scheme-regulations-as-amended-in-2015>

An initial pre-feasibility study has been completed which demonstrates such a scheme would be broadly revenue neutral (self-funding) and therefore a more detailed business case is being developed to understand more detailed impacts of introducing a scheme, including wider economic benefits to society, for example estimating the wider financial benefit of reducing time spent being delayed by roadworks.

If this study further demonstrates such a system could operate effectively the next step would be to consult on the idea. To introduce such a scheme previously required the approval of the Secretary of State, this has now been removed, with the decision being made locally by the relevant highway authority.

Elsewhere in the Country such schemes have varied in geographic operation from single authorities to regional schemes made up of multiple authorities. If there is justification for a scheme in Devon it would seem prudent to engage with other local authorities to ascertain whether there was scope for some form of wider collaboration on a joint scheme be it now or in the future.

It should be noted that such a system cannot generate 'profit', permit fees would typically reflect the cost of administering (eg staff costs) the scheme and be of neutral cost over any three-year period.

The term 'Lane Rental' has featured in the press of late, this is effectively a 'super permit' for the most sensitive parts of a highway network and has been trialled in the S East of England. It is likely that a well-established Roadworks Permit scheme would be a prerequisite to introducing a Lane Rental scheme and also require Secretary of State approval.

Persistent Evaders of Civil Parking Enforcement Policy

Purpose

To utilise powers to seize/remove vehicles from those persistently evading recourse of enforcement.

NATIONAL GUIDANCE

The Department for Transport (DfT) classes a persistent evader as:

“a vehicle owner with three or more recorded contraventions for the vehicle and the penalties for these have not been paid, represented against or appealed against within the statutory time limits, or their representations and appeals have been rejected but they have still not paid”.

Guidance goes onto state: “An authority should not treat a vehicle owner as a persistent evader unless bailiffs have failed to recoup the outstanding and unchallenged penalty charges. Where a vehicle appears to be registered in the UK, but the identity and address is not registered, or is not correctly registered on the DVLA database, authorities should consider making the information available to the police who can, if appropriate, investigate any criminal offence”.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496987/operational-guidance.pdf

SUPPORTING LEGISLATION

Powers relating to the removal of vehicles are defined in “Traffic Management Act 2004”, “Road Traffic Regulation Act 1984” and “The Removal and Disposal of Vehicles (Amendment) (England) Regulations 2007”

The associated costs for vehicle removal, storage and/or disposal of vehicles removed for parking contraventions under the Traffic Management Act 2004 are prescribed in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (Statutory Instrument (SI) 2007/ 3487), which currently are:

- Vehicle Removal Charge - £105.00
- Vehicle Storage - £12.00 for each day or part day whilst the vehicle is impounded. Chargeable from Midnight after the first full day the vehicle is impounded.
- Vehicle Disposal - £50.00

Policy Position

- In order to address persistent evaders of civil parking enforcement, the Council's enforcement activities will be extended to remove or seize any persistent evader's vehicle where appropriate in accordance with The Traffic Management Act 2004, The Road Traffic Regulation Act 1984 and the Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions to tackle this antisocial behaviour.

In line with legislation the vehicle owner / registered keeper must reimburse the Council for the cost of the removal, storage and PCN on the day the vehicle is removed, in order to recover their vehicle.

- Should a vehicle owner / registered keeper choose not to recover their seized vehicle, the vehicle will be stored for a period in line with legislation, after which that vehicle will be sold at public auction to recover the costs incurred. Costs would include the removal and storage of the vehicle, as well as the PCN that was issued on the day the vehicle was removed. Any excess money from the sale of the vehicle will be repaid to the owner / registered keeper where contact has been made.
- Where no contact is made with the owner / registered keeper and the vehicle is auctioned, any excess money will be held in a Council's on-street parking account (OSP) account for up to a year from the date of sale. If no known owner / registered keeper comes forward, the excess will be added to the OSP accounts income. The outstanding debt from other PCNs will be pursued through any other appropriate channels.
- The seizure or removal of vehicles will be used only in the most extreme of cases and where there is clear network management need. Therefore, no vehicle shall be seized or removed without the authority to do so being given by either the Chief Officer for Highways, Infrastructure Development & Waste, or the Highway Authority's designated Traffic Manager.