

Highways and Traffic Management Policy Reviews

Report of the Director of Climate Change, Environment and Transport

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.

Recommendation: that the Cabinet be asked to:

a) Moving Traffic Offences (MTOs)

- 1) Approve submission of an application to the DfT to acquire powers to enforce MTOs under Part 6 of The Traffic Management Act 2004 in Tranche 3 of applications expected to be July 2023.
- 2) Delegate authority to the Director of Climate Change, Environment and Transport in consultation with the Cabinet Member for Highway Management to approve future enforcement sites.

b) Pay and Display

- 1) Approve the proposed policy for Parking Management in Communities (including Pay & Display) as laid out in Appendix D.
- 2) Approve the advertising of schemes in the communities as laid out in Appendix E.
- 3) Delegate authority to the Director of Climate Change, Environment and Transport in consultation with the Cabinet Member for Highway Management to make minor amendments to policy and schemes where appropriate.

c) Advertising on the highway

- 1) Approve the proposed policy for sponsorship and advertising on highway assets and associated infrastructure.
- 2) Delegate authority to the Director of Climate Change, Environment and Transport in consultation with the Cabinet Member for Highway Management to make minor amendments to the policy where appropriate.

1. Background/Introduction

a) Moving Traffic Offences

Historically local highway authorities outside of London had been provided powers to enforce bus lanes but no other MTOs. Enforcement of other moving offences such as yellow box junctions or contravention of 'no entry' could only be carried out by the Police.

In May 2022, new legislation “The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022” was introduced allowing all local Authorities the opportunity to utilise Part 6 of the Traffic Management Act 2004 (“the 2004 Act”) to enforce against a wide range of offences, subject to application to the Department for Transport.

The Police also retain powers to enforce.

A Spotlight Review into MTO’s was undertaken by the Corporate Infrastructure and Regulatory Services Scrutiny Committee in July 2022. The scope of the review was:

‘to examine the evidence on Moving Traffic Offences on the benefits and disbenefits of applying to become the enforcement agency and make recommendations as to the policy direction that the Council should take’

The report produced following the Spotlight Review was presented to the September 2022 Scrutiny Committee and gave 6 recommendations. The recommendations and responses are shown in Appendix C.

b) Pay and Display

To effectively manage traffic visiting our key communities pay & display is often used to manage on-street parking opportunities. Tariffs are set to assist in managing parking stock effectively, to minimise congestion and assist in ensuring the right parking opportunities are available to support town centres.

c) Advertising on the highway

Nationally, it is common practice for highway authorities to have in place opportunities to sponsor highway assets; these might include street lighting columns, roundabouts, bridges, properties, web pages or fleet vehicles. Our only current offer is that of sponsoring roundabouts. However, this offer varies in approach across the County which isn’t well understood or marketed. Devon has a large and varied highway asset and could secure additional income to assist in general service delivery if this was pursued in a better managed way.

It is not the intent to proliferate the county with obtrusive signage but merely formalise and bring a greater level of consistency to how the current offer is managed.

The current approach has been focused on offsetting the maintenance associated with the relevant roundabout and charge a flat fee of £398 per annum for sponsorship. The expectation being that sponsors take on grass cutting/planting in relation to that asset. In some areas responsibility for maintenance/sponsorship was passed onto Town, City, or District Councils for some or all roundabouts within their boundaries leading to an element of inconsistency in approach and style around the County.

Sponsorship has not historically been used to create a meaningful funding source for highways maintenance or other Council activities. Informal

discussions and interest from managing agents for such activity appear to provide opportunity to create a good return, albeit that return would depend on constraints placed on any offer.

2. Proposal

a) Moving Traffic Offences

Following the introduction of new legislation, the list of restrictions available for local authorities to enforce using MTO powers is shown in Appendix A.

The ability for local highway authorities to take on these powers will give increased ability to fulfil the Network Management Duty and through compliance, will aim to improve safety, reduce congestion, give priority for active travel and public transport and may help to reduce carbon emissions.

The application for a Designation Order for Civil Enforcement Powers of MTOs is made by the Chief Executive using the template letter shown in Appendix B. Applications for taking on the powers are considered by the DfT in tranches. The intention is to apply for inclusion in tranche 3, expected to be open for applications in July 2023 with powers likely to be confirmed by the end of 2023.

The application would include the whole of Devon which is already designated as a civil enforcement area for parking conventions.

In advance of making an application for MTO powers there are a number of key activities that would need to be carried out to validate whether these increased powers would realise the anticipated benefits. Evidence will need to be obtained to determine that MTO offences are occurring at a proposed enforcement location causing concerns for: safety, congestion, active travel priority or public transport reliability. Once this evidence is obtained, a minimum six week public consultation will take place on the locations and types of moving traffic offences proposed for enforcement action.

There have been developments in technology that should allow the existing CCTV infrastructure to be utilised for enforcement. This approach needs to be proven. This development should allow a cost-effective option to enforce bus lanes which has never been taken up as the cost of new infrastructure has been prohibitive.

It is important that any proposed sites are underpinned by an accurate Traffic Regulation Order and that appropriate signs and markings are in place. Any equipment proposed for enforcement must be approved by the Vehicle Certification Agency.

To minimise initial setup costs, it is proposed to use DCC's existing CCTV cameras to capture contraventions. Contraventions will be identified by a mixture of manual observations from recordings at proposed locations and artificial intelligence using externally sourced software. These images would

then be assessed by a Civil Enforcement Officer to confirm if a contravention has taken place and whether a penalty charge notice is proportionate.

For the first 6 months of operation in accordance with national guidance, the first offence committed by an individual would produce a warning notice only, informing them of their contravention. Subsequent contraventions would result in a £70 (higher level) or £50 (lower level) penalty charge, reduced to 50% if paid within 21 days. There would also be an appeal process available to individuals similar to that used for Civil Parking Enforcement. Information on that process would be published on the website with information on the number of contraventions and appeals made available on our open data pages.

Whilst an order covering the whole of Devon already designated as a civil enforcement area for parking conventions will be applied for, it is proposed to include a limited number of sites for the initial enforcement activity. These sites have been identified based on concerns over safety, congestion, active travel priority or public transport reliability. Surveys would be conducted in advance to verify the level of contravention and confirm the underlying need and potential benefit.

Sites considered for enforcement need to be assessed to ensure proportionate steps have been taken to provide physical engineering and appropriate education of drivers to reduce or eliminate contraventions.

Experience has shown that compliance with the restrictions markedly improves soon after enforcement is commenced. If non-compliance at a particular location persists at the same rate for a long period of time, that should alert the authority to a possible need to review the lay out and signing of the restriction, including warning and advisory signs along the route, considering representations made about drivers' experiences.

The following sites are proposed for initial consideration:

1. Heavitree Fore Street, Exeter – Bus Lane
2. Exe Bridges, Exeter – Bus Lane
3. Exe Bridges, Exeter – Yellow Box Junction
4. Penn Inn, Roundabout Newton Abbot – Yellow Box Junction
5. Topsham Road / Burnthouse Lane, Exeter – Bus Lane
6. The Square (near Boutport Street) Barnstaple – Bus Lane.

These locations have been selected as they are known to create and contribute towards congestion and are covered by existing CCTV infrastructure. In addition, Fore Street, Heavitree lies within an Air Quality Management Area.

If powers are granted there is no requirement to reapply to the DfT for additional future locations. Additional locations may be added by the authority but must undergo the same due diligence as described above.

A report will be submitted to Scrutiny Committee 12 months after the start of enforcement with details of the number of contraventions captured, and number of appeals (including those upheld). At this stage, performance would be reviewed to enable recommendations to be made on any further capital investment.

b) Pay and Display

It is proposed that a Policy is adopted to proactively review parking management in our communities and introduce pay & display where there is a traffic management need. This Policy has been developed by our highways team in liaison with the Economy team. A copy of the Policy is included in Appendix D.

The Policy has been applied in an initial review of communities and identified 8 communities as priorities for review. A list of these communities is available in Appendix E. It is proposed that schemes are developed and advertised for those communities later this year.

c) Advertising on the highway

It is proposed to procure a contractor to manage sponsorship and advertising on highway assets on behalf of the Authority. Having conducted initial market engagement it would not appear that there would be any upfront costs to the Authority, with the third party taking an agreed percentage of income to cover the management and signing costs associated with sponsoring the asset. This model of business will provide the contractor with motivation to realise the full commercial value of assets and seek sponsors, it would therefore be likely that rather than a flat fee approach as currently charged different sites would be of different cost dependent on style, location, and volume of traffic.

A basic desktop analysis suggests we have between 100-120 roundabouts which would be suitable for sponsorship, similarly we have in excess of 79,000 lighting columns. It should be stressed that it is likely that only a proportion of lighting stock would likely be appropriate or commercially attractive for sponsorship.

A [report](#) was presented to Cabinet in January 2019 to agree the approach to advertising on the streetlighting asset.

Where arrangements exist with current sponsors, those sponsors will be given first options to retain the sponsorship of that asset. Where town or parish councils have taken on maintenance of roundabouts in their communities, for example Barnstaple, this would be supported and would continue. There will be an open offer for communities to take on this role prior to launch, should they wish; 19 Parish and Town Councils have already expressed an interest to do so. Expressions of interest can be recorded here:

<https://www.devon.gov.uk/roadsandtransport/make-a-request/sponsor-a-roundabout/>

It is proposed that any standards relating to sponsorship will utilise rules and guidelines laid out by the Advertising Standards Agency (ASA) and uphold the

rules laid out in the British Codes of Advertising and Sales Promotion and the Code of Recommended Practice on Local Authority Publicity.

Appendix F to this report will act as our policy position to guide on the principles around sign dimension, content, environmental and safety considerations being required. It will also act as a framework with which to begin the procurement exercise.

Depending upon the final procurement arrangement it is likely that the managing agent (or DCC) would undertake basic maintenance funded by the sponsor, removing the current requirements for sponsors to undertake/arrange the work themselves. It is likely that this would be the preference of sponsors, however, options for sponsors to continue themselves will be a consideration in the procurement exercise.

3. Alternatives

a) Moving Traffic Offences

The following options have been considered:

Option A: Do nothing, maintain current arrangements.

Option B: Carry out the necessary advance investigations to enable and application for additional moving traffic enforcement powers using the approach described in section 2a.

By not progressing with this proposal reduces DCC's ability to carry out its Network Management Duty.

b) Pay and Display

The following options have been considered:

Option A: Do nothing, maintain current arrangements.

Option B: Review parking restrictions in key communities to ensure that traffic is managed.

By not progressing with this proposal there is no scope to improve traffic management.

c) Advertising on the highway

The following options have been considered:

Option A: Do nothing, maintain current arrangements.

Option B: Review how sponsorship and advertising is managed in-house.

Option C: Procure the services of a third-party supplier to manage sponsorships and advertising, generating revenue for reinvestment in the highway network.

By not progressing this proposal there is no option to reduce revenue maintenance costs of highway assets (roundabouts) and create income for the Authority.

4. Consultations

a) Moving Traffic Offences

In advance of an application for powers being submitted a full public consultation will be required. This is expected to last a minimum of 6 weeks and will provide the public with an overview of the scheme including the anticipated benefits, the locations being considered and the types of offences that will be enforced. In addition, the appropriate Chief Officer of Devon and Cornwall Police will be consulted.

Any additional sites added in the future will follow the same public consultation as described above.

b) Pay and Display

Discussions have taken place with the in-house teams responsible for traffic management and economy, including colleagues in Traffic Management, Parking Operations and Economic Infrastructure & Strategic Intelligence.

Proposals have also been discussed with Scrutiny Commissioning Liaison Members.

c) Advertising on the highway

Discussions have taken place with the in-house teams responsible for the management of the assets concerned, including colleagues in Trading Standards, Street Lighting and the Neighbourhood Highways teams. Colleagues in Safer Travel, Environmental Audit, and the Traffic Management Team will also assist in developing how signing associated with sponsorship will be presented on the network.

The existing arrangements have been under review for some time, interested parties contacting the Authority have been made aware of the ongoing review and their details have been held so they can be re-engaged by any future agent.

There is recognition that historically, arrangements have been made with other Authorities in some parts of Devon to arrange sponsorship and/or maintenance, notably Exeter City Council, Mid Devon District Council, and Barnstaple Town Council. These Authorities will be engaged as proposals are further developed and arrangements maintained if desired.

Proposals have also been discussed with Scrutiny Commissioning Liaison Members.

5. Strategic Plan

a) Moving Traffic Offences

The proposals to apply for and take on moving traffic enforcement powers aligns with the 'Best Place' Strategic Plan 2021 – 2025 to address climate change; encouraging moves towards sustainable lifestyles and use of other modes of transport by providing support to bus services; and helping to reduce congestion, reducing carbon emissions and improving air quality.

This also aligns with the County's Local Transport Plan.

b) Pay and Display

The proposals for the management of parking in communities aligns with the 'Best Place' Strategic Plan 2021 – 2025. The policy assists in managing parking stock effectively, to assist in ensuring the right parking opportunities are available to support town centres and helps towards a prosperous future. The policy also works to address climate change; helping to reduce congestion, reducing carbon emissions and improving air quality, and any surplus can be reinvested in public transport or environmental improvements.

This also aligns with the County's Local Transport Plan.

c) Advertising on the highway

The proposals to review advertising on the highway aligns with the Authority's Strategic Plan 2021 to invest in Devon's economic recovery; by promoting businesses operating in Devon and supporting the financial resilience of the Council by creating income and reducing revenue spend on the maintenance of roundabouts.

6. Financial Considerations

a) Moving Traffic Offences

Guidance provided to local Authorities states that *"it is unlikely that the enforcement of bus lane and moving traffic contraventions will be self-financing by itself. There would likely be economies of scale from combining the enforcement of civil parking, bus lane and moving traffic contraventions."*

Initial survey work to validate the benefit of enforcement will be funded by the On Street Parking account. Where sites are identified for enforcement, budget will be sought to fund any initial capital costs. The aim of enforcement is compliance rather than income generation. Operational costs not covered by income generated will be supported by the On Street Parking account.

Setup costs for the first year are estimated to be £100,000, which will be funded from the On-Street Parking account.

Legislation dictates that any surplus that may be created would be used in the following areas:

- meeting the costs associated with establishing the scheme
- environmental improvements such as vegetation management

- supporting public bus services
- highway improvement projects.

b) Pay and Display

The proposed Policy and schemes will ensure that the service continues to self-fund without additional contributions from other budgets.

Costs will be minimised by the promotion of cashless payment mechanisms where possible and funded by the On Street Parking account. It is estimated that set up costs will be approximately £250,000, which will be funded from the On-Street Parking account.

The introduction of pay & display is not designed to create a surplus but to influence travel and parking choices. Any income will fund the running, management and enforcement of the scheme.

Any surplus that may be created will be used to fund the maintenance and development of parking management schemes and a limited number of other traffic and transport related services in accordance with the criteria for funding prescribed in Section 55 of the Road Traffic Regulations Act 1984. This includes:

- the provision or operation of public transport services
- highway or road improvement projects
- environmental improvements.

c) Advertising on the highway

Initial market engagement has indicated suppliers of managed solutions for sponsorship of highways assets regularly engage with local businesses. By providing local businesses with additional means to advertise, we can mutually develop our own commercial activities whilst supporting local economies.

An increased income for the authority will benefit public services.

As any managing agent will require an element of profit share the income could be less than if managed in-house. However, it is felt that the organisation doesn't have the resource or the expertise to be able to do this in a cost-effective way given other competing priorities. There are no set-up costs anticipated from this proposal.

7. Legal Considerations

a) Moving Traffic Offences

New legislation "The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022" introduced in May 2022 allows all local Authorities opportunity to utilise Part 6 of the Traffic Management Act 2004 ("the 2004 Act") to enforce against a wide range of offences.

The Police also retain powers to enforce as resource permits.

Any subsequent enforcement undertaken by the Authority will relate to existing sites where the required legal order has already been advertised and is compliant with relevant legislation, in particular section 122 of the Road Traffic Regulation Act 1984, that states that it is the duty of a local authority, so far as practicable, to secure the expeditious, convenient, and safe movement of traffic (including pedestrians and cyclists) and provision of parking facilities.

b) Pay and Display

The proposed schemes would be introduced through a legal order, the statutory consultation will be carried out in line with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. This includes a public notice placed in the local press and statutory bodies (e.g. emergency services) being notified of the proposals.

When making a legal order, it is the County Council's 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, to secure the expeditious, convenient, and safe movement of traffic (including pedestrians and cyclists) and provision of parking facilities.

c) Advertising on the highway

The third-party supplier successful in the procurement exercise must ensure that they abide by any legislation that governs advertisement, see Appendix F.

It may be appropriate for Trading Standards to utilise signs to improve awareness of the 'buy with confidence' approved traders scheme, in place to link consumers with reputable and vetted firms.

8. Environmental Impact Considerations (Including Climate Change)

a) Moving Traffic Offences

The adoption of moving traffic enforcement powers would assist in the management of traffic and support public transport services; reducing traffic congestion and improving air quality. It is hoped that the travelling public will consider other more sustainable modes of travel.

Any surplus that may be created would be returned to the On Street Parking account and spent in accordance with relevant legislation, this includes bus subsidies, road safety and environmental maintenance schemes.

b) Pay and Display

The introduction of new traffic management schemes (including pay & display) will encourage use of longer stay car parks, reducing the recirculation of traffic; minimising traffic congestion and improving air quality. It is hoped that the travelling public will consider other more sustainable modes of travel.

Any surplus that may be created will be returned to the On Street Parking account and spent in accordance with relevant legislation, this includes bus subsidies, road safety and environmental maintenance schemes.

c) Advertising on the highway

Signing relating to sponsorship does already exist on our network but is inconsistent. Whilst it is accepted that poorly managed advertisements and sponsorships may be visually intrusive; this can be mitigated by developing a standard that ensures advertisements are of similar size and form. Similarly, advertisements would not be ostentatious or offensive, parameters around suitable material can be found in Appendix F and is common to other authorities.

There is potential for a positive environmental impact to be achieved if a proportion of signing opportunities are utilised to promote the sustainable transport and public health initiatives of the authority.

9. Equality Considerations

Where relevant to the decision, the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

taking account of age, disability, race/ethnicity (includes Gypsies and Travellers), gender and gender identity, religion and belief, sexual orientation, pregnant women/ new and breastfeeding mothers, marriage/civil partnership status in coming to a decision, a decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

In progressing these proposals, Impact Assessments have been prepared and circulated separately to Cabinet Members. These are also available alongside this Report on the Council's website at: [Moving Traffic Enforcement Impact Assessment - October 2022 - Impact Assessment \(devon.gov.uk\)](#), [New Pay and Display Schemes Impact Assessment - October 2022 - Impact Assessment \(devon.gov.uk\)](#), [Advertising on the Highway Impact Assessment - October 2022 - Impact Assessment \(devon.gov.uk\)](#), which Members will need to consider for the purposes of this item.

10. Risk Management Considerations

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

Where risks have been identified relating to capital funding, financial sustainability and reputation, the implications have been taken into account in preparing this report.

11. Reasons for Recommendations

a) Moving Traffic Offences

It is important that the Authority apply to take on moving traffic enforcement powers to ensure the effective management of traffic and support public transport services, safety, minimising traffic congestion and improving air quality.

b) Pay and Display

It is important that the Authority apply the correct parking restrictions in order to manage traffic in our communities and ensure effective and sustainable parking enforcement; to encourage use of longer stay car parks, reducing the recirculation of traffic; minimising traffic congestion and improving air quality.

c) Advertising on the highway

It is not considered appropriate for existing arrangements to continue as the current approach is inconsistent and the service is unable to engage with potential sponsors effectively. Nor is it considered appropriate to review and manage in-house due to limited staff resource and expertise in establishing commercial value and managing these assets in a commercial manner.

Therefore, it is recommended that the Authority procures the services of a third-party supplier to provide a managed solution to sponsorships and advertising.

This proposal will provide an opportunity to develop a revenue stream to the authority at no cost. As profits are shared with the supplier, there is motivation for them to realise the full commercial value of assets and seek sponsors, with little risk to the authority.

Meg Booth
Director of Climate Change, Environment and Transport

Electoral Divisions: All

Cabinet Member for Highway Management: Councillor Stuart Hughes

Local Government Act 1972: List of Background Papers

Contact for Enquiries: Ian James / Christopher Rook

Tel No: 01392 383000 Room: Barn Owl View, Great Moor House

Background Paper	Date	File Reference
Nil		

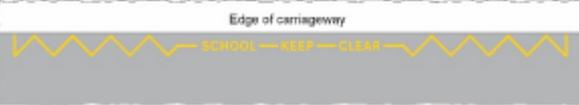
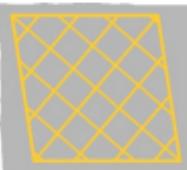
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Appendix A to CET/22/66 – List of restrictions available for local authorities to enforce using MTO powers

Under Schedule 7 to the Traffic Management Act 2004 (“the 2004 Act”), restrictions indicated by the traffic signs in the table below, as prescribed in the Traffic Signs Regulations and General Directions 2016 (as amended: ‘TSRGD’) are civilly enforceable as moving traffic contraventions. This applies to any permitted variant under TSRGD; for example, diagram 606 when varied to point ahead or to the right. The 2004 Act does not provide for the list of traffic signs on a selective basis, so all the contraventions will be available to local authorities taking on moving traffic enforcement. However, in line with the general principles of good regulation, any enforcement should be carried out in a way which is transparent, accountable, proportionate and consistent; and should be targeted **only where action is needed**. Moreover, it should be noted that Ministers have only agreed to implement the Part 6 powers in respect of this existing list of traffic signs, with the exception of the additional diagram 1027.1, to create parity with London.

Description	TSRGD diagram number & location	
Vehicular traffic must proceed in the direction indicated by the arrow	606 (Schedule 3, Part 2, item 1 and Schedule 14, Part 2, item 42)	
Vehicular traffic must turn ahead in the direction indicated by the arrow	609 (Schedule 3, Part 2, item 2)	
Vehicular traffic must keep to the left/right of the sign indicated by the arrow	610 (Schedule 3, Part 2, item 3)	
No right turn for vehicular traffic	612 (Schedule 3, Part 2, item 7 and Schedule 14, Part 2, item 43)	
No left turn for vehicular traffic	613 (Schedule 3, Part 2, item 8 and Schedule 14, Part 2, item 43)	
No U-turns for vehicular traffic	614 (Schedule 3, Part 2, item 6 and Schedule 14, Part 2, item 43)	
Priority must be given to vehicles from the opposite direction	615 (Schedule 3, Part 2, item 9)	
No entry for vehicular traffic (when the restriction or prohibition is one that may be indicated by another traffic sign subject to civil enforcement)	616 (Schedule 3, Part 2, item 10 and Schedule 14, Part 2, item 44)	
All vehicles prohibited except non-mechanically propelled vehicles being pushed by pedestrians	617 (Schedule 3, Part 2, item 11)	

Description	TSRGD diagram number & location	
Entry to and waiting in a pedestrian zone restricted	618.3B (Schedule 8, Part 2, item 1)	
Entry to and waiting in a pedestrian and cycle zone restricted	618.3C (Schedule 8, Part 2, item 2)	
Motor vehicles prohibited	619 (Schedule 3, Part 2, item 12)	
Motor vehicles except solo motor cycles prohibited	619.1 (Schedule 3, Part 2, item 18)	
Solo motorcycles prohibited	619.2 (Schedule 3, Part 2, item 20)	
Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle symbol prohibited	622.1A (Schedule 3, Part 2, item 13)	
One-way traffic	652 (Schedule 9, Part 4, item 5)	

Description	TSRGD diagram number & location	
Buses prohibited	952 (Schedule 3, Part 2, item 17)	
Route for use by buses, pedal cycles and taxis only	953 (Schedule 3, Part 2, item 33)	
Route for use by tramcars only	953.1 (Schedule 3, Part 2, item 36)	
Route for use by pedal cycles only	955 (Schedule 3, Part 2, item 28)	
Route for use by pedal cycles and by pedestrians only	956 (Schedule 3, Part 2, item 29)	
Route comprising two ways, for use by pedal cycles only and by pedestrians only	957 (Schedule 3, Part 2, item 32)	
With-flow cycle lane	959.1 (Schedule 9, Part 4, item 9)	
Contra-flow cycle lane	960.1 (Schedule 9, Part 4, item 6)	
Part of the carriageway outside an entrance where vehicles must not stop when the marking is placed in conjunction with the prescribed upright sign which includes the symbol at Schedule 4, Part 3, item 10	1027.1 (Schedule 7, Part 4, item 10)	 
Box junction markings	1043 (Schedule 9, Part 6, item 25)	

Appendix B to CET/22/66 – Letter Template

Traffic Management Act 2004, Part 6: Application for Designation of Civil Enforcement Area for Moving Traffic Contraventions

Dear Secretary of State

Following the introduction, on 31 May 2022, of regulations giving effect to the moving traffic enforcement powers under Part 6 of the Traffic Management Act 2004 (“the Part 6 powers”), I am writing to formally apply on behalf of [name of Council] [name of metropolitan district councils acting jointly] for designation as a civil enforcement area for moving traffic contraventions. This application is submitted in accordance with paragraph 10 of Schedule 8 to the Traffic Management Act 2004 and the below conditions set out by the Department for Transport.

As Chief Executive [or title of other senior official] I confirm that [full name of the authority], being a [county council] [a unitary authority] [metropolitan district council] [metropolitan district councils acting jointly with xx], makes this application with the authority of the [Council] [each of the Councils]. I also confirm that [the Council has] [each of the Councils have] met all of the following as required:

	Yes / No
Has the Council consulted the appropriate Chief Officer of Police?	
Has the Council carried out public engagement, for the requisite minimum six-week period, on the location(s) and type(s) of moving traffic restriction selected by the local authority as appropriate for enforcement action?	
Did this exercise set out rationale for, and benefits of, moving traffic enforcement to local residents and businesses, and provide the opportunity for them to raise any concerns?	
Has the Council taken appropriate steps, as it considers reasonable, to resolve all objections?	
Has the Council carried out effective public communication and engagement, using the full range of media available, as the Council considers appropriate?	
Will this public communication and engagement continue up to the start of enforcement and for a reasonable period thereafter?	
Has the Council ensured that enforcement of all moving traffic restrictions will be underpinned by accurate Traffic Regulation Orders, where applicable, and indicated by lawful traffic signs and road markings?	
Has the Council ensured all the relevant equipment has been certified by the Vehicle Certification Agency (VCA) specifically for moving traffic contraventions?	
Do you undertake to carry out all of the above steps in respect of any new camera location in the future?	

[The Council is applying for designation of the Part 6 powers to cover the whole of its civil enforcement area for parking contraventions] [The Council is applying for designation of the Part 6 powers to cover part of its civil enforcement area for parking contraventions. The following roads are therefore excluded:] [The metropolitan district councils are jointly applying for designation of the whole of their civil enforcement areas for parking contraventions].

Yours,

Chief Executive [or title of senior official with authority to submit the application]

Appendix C to CET/22/66 – Recommendations from Corporate, Infrastructure and Regulatory Services Scrutiny Committee and responses to the recommendations

	Action	Agency	Timeframe	Response
1.	Devon County Council (DCC) to apply to enforce Moving Traffic Offenses (MTOs)	Cabinet Member	Immediately	Agreed, to be applied for in the Third Tranche
2.	<p>Devon County Council to be explicit in the communication of the adoption of the MTO powers:</p> <p>a. To include rationale based upon safety and movement of traffic in congested areas</p> <p>b. Regular communications on Social Media about the roll out of the powers and areas that will be enforced as well as updates on appeals upheld</p> <p>c. A report to come to Committee one year after the introduction of the powers for Councillors to review the number of appeals upheld</p>	Cabinet Member supported by Highways and Communications officers	<p>When adopted</p> <p>Upon beginning of operation</p> <p>One year after operation begins</p>	<p>2a Agreed, as part of the public consultation process</p> <p>2b Agreed, in advance of go live and ongoing</p> <p>2c Agreed, one year after enforcement commences</p>

3.	<p>DCC to implement the policy which includes:</p> <ul style="list-style-type: none"> a. Local Councillors to be made aware of any new MTO enforcement in their constituency. b. Only issue one Penalty Charge Notice per zone, per vehicle, per day. c. New enforcement areas to be issued with warning notices for six months rather than penalty charges (after the initial six months of the scheme). d. New Traffic management initiatives to include information to the local community about how they will be enforced. e. Exploration of ways in which individuals who cannot afford to pay, may do so over an extended period. 	Cabinet Member to agree policy	As policy is developed	<p>3a Agreed</p> <p>3b It is considered that the issue of multiple PCN's in a day should be a consideration through the appeals process</p> <p>3c Agreed but for the first contravention in line with statutory guidance</p> <p>3d Agreed</p> <p>3e This will be considered through the appeals process</p>
4.	Devon County Council Highways Officers to explore work with Town and Parish Councils with monitoring and enforcement of MTOs, using existing cameras.	Highways Officers	Within 6 months	Agreed
5.	DCC to further explore opportunities with the Police to link Council enforcement of MTOs with Operation SNAP including supporting members of the public to report offenses.	Highways Officers	Within 6 months	Agreed
6.	Devon County Council to Lobby Devon MPs to make amendments to the legislation/policy on MTOs to allow Councils to offer education instead of a fine to motorists who commit moving traffic offenses.	Cabinet Member/ Scrutiny Committee	Once agreed by Cabinet	Agreed

Appendix D to CET/22/66 – Policy - Parking Management in Communities

To effectively manage traffic visiting our key communities pay & display is often used to manage on-street parking opportunities. Tariffs are set to assist in managing parking stock effectively, to minimise congestion and assist in ensuring the right parking opportunities are available to support town centres.

It is helpful to ensure that tariffs for longer stays (of more than an hour) are at least equal or higher than equivalent off-street tariffs to encourage parking in longer stay car parks, reducing the recirculation of traffic; minimising traffic congestion and improving air quality. On street shorter stays / higher turnover will be encouraged to increase footfall for businesses.

To maintain a high quality streetscape and reduce capital and revenue costs, cashless parking options will be promoted. This will mean that promotion of telephone and app based payment will be promoted rather than physical machines being installed where appropriate. Existing schemes may also be reviewed to remove machines, reducing costs and improving streetscape where appropriate.

This Policy position aligns with the Authority's Strategic Plan 2021-2025 to address climate change; by reducing carbon emissions and encouraging sustainable lifestyles whilst continuing to support economic activity. The Policy position also aligns with the Local Transport Plan.

The following factors will be considered when prioritising communities for review:

1. Need

The busiest areas of our communities will be prioritised for review, for example town centre or seafront locations. These locations are more likely to be affected by congestion and recirculation of traffic looking for parking opportunities.

Where reviews are carried out there will normally be alternative off street parking opportunities, tariffs will be set to encourage the use of these for longer stays (over 1 hour).

2. Economy

The local economy will be considered when prioritising schemes. Busier and less-deprived communities will be prioritised and consideration will be given to the Deprivation Index for that area. Retail vacancy rates will be low (below national average), and not in significant decline. These locations are more likely to have more traffic and footfall needing improved management of traffic and parking.

3. Design

Areas that do not already have (or have very little) pay & display will be prioritised.

New schemes will focus on the conversion of existing limited waiting restrictions to pay & display, typically there will be no change to hours / days of operation, or maximum stay.

A free parking period (20 or 30 minutes) will be considered where appropriate to encourage shorter stays, high turnover and improve availability of parking opportunities in high street locations.

Cashless options (pay by phone / app) will be promoted and removal of physical machines will be considered where appropriate.

In all schemes existing national exemptions for Blue Badge Holders would apply allowing free parking as close as possible to the blue badge holders destination. Along with Health & Care Worker permits for those delivering care to residents in central areas.

Appendix E to CET/22/66 – Communities for review

Applying the principles outlined in our proposed Policy (Appendix D), and in liaison with Economy Team officers, the following communities will be reviewed:

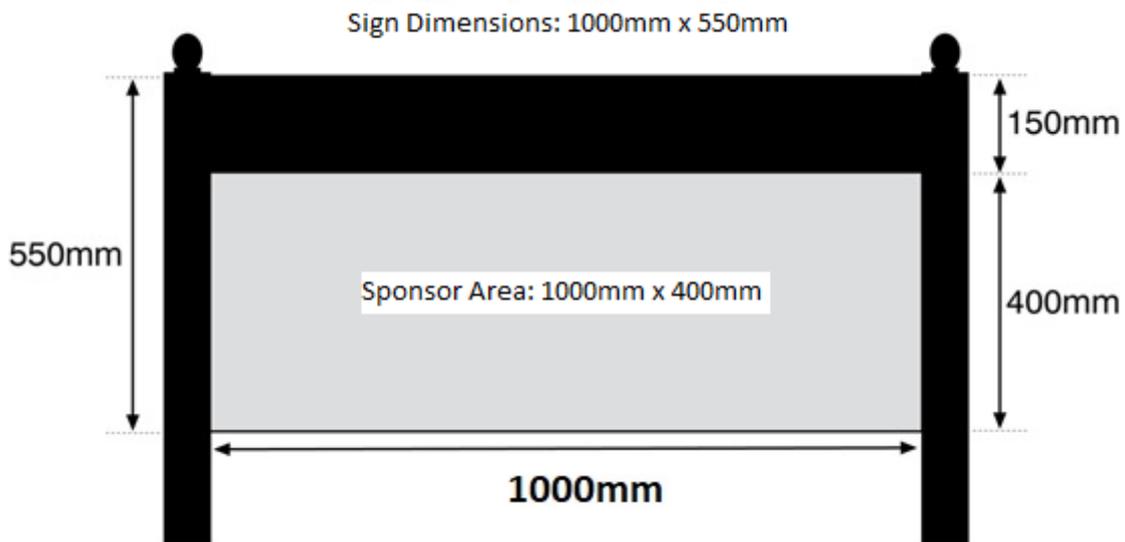
- Braunton
- Crediton
- Dartmouth
- Honiton
- Okehampton
- Salcombe
- Sidmouth
- Tavistock

Appendix F to CET/22/66 – Policy – Advertising on the Highway

Purpose

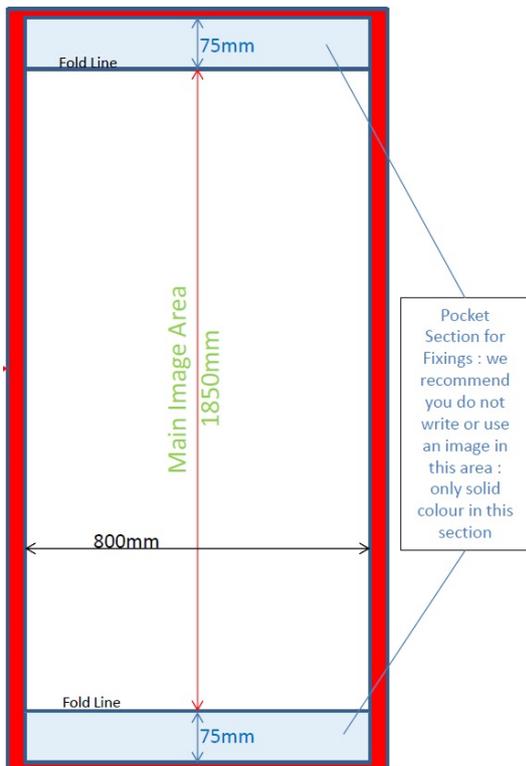
To provide a consistent framework for organisations wishing to provide sponsorship and advertising on the Highway Asset.

Indicative Sign Appearance



Within the sign the Devon County Council logo must be incorporated.

Indicative Lamp Column Banner Appearance



Standards

Any officer or contractor securing advertising on the Council's behalf must follow the guidelines below.

All advertising must comply with legislation and official bodies codes of practice such as:

- The Advertising Standards Agency (ASA)
- The Committee of Advertising Practice (CAP)

Advertisements must comply with all acts of Parliament, UK and EU regulation and case law regarding advertisement.

Advertisements must not be false and must not contain deceptive messages.

Prohibited advertisements

Devon County Council is committed to equality and diversity and challenging discrimination.

Advertisements must not feature violent content, discriminate against, or promote violence or hatred against any organisation, person/s or protected group.

Protected characteristics include:

- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

Advertisements must not promote:

- Sexual or adult content including pornography, lap dancing or prostitution.
- Weapons including firearms, imitation firearms, knives and toys which imitate firearms, knives or other weapons.
- Illegal items such as phone and radar jammers, counterfeit documents and fake IDs.
- Illegal drugs and drugs paraphernalia
- Hate groups such as far right groups or extremist organisations
- Events associated with illegal activity, such as unlicensed bars, parties or clubs
- Illegal services such as unlicensed taxis

- Alcohol
- Tobacco
- Both illegal and legal gambling
- Any other illegal activity

Advertisements for products claiming a health or medical benefit must comply with the Medicines Act 1968 as well as guidance from the Medicines Control Agency.

Advertisements for financial services or products must comply with the financial services and markets Acts 2000 and the Financial Services and Markets 2000, as well as follow all guidance and regulations set by the Financial Services Authority.

In addition to the above, the Council reserves the right to refuse any advert that may bring the Council into disrepute.

Safety considerations

A basic form of safety audit will be required for each site.

Environmental considerations

In addition to prescribing maximum dimensions (above) where any new sign is installed the scope for rationalisation of existing signs will also be investigated.